

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council Of Howard County, Maryland

2004 Legislative Session

Legislative Day No. **10**

Bill No. 51-2004

Introduced by: The Chairman at the request of the County Executive
Co-Sponsored by: Guy J. Guzzone, Chairman

AN ACT repealing and reenacting the Animal Control Law of Howard County providing certain requirements for rabies vaccinations, licenses and tags, fees, adoption, the care and destruction of animals, quarantine, reporting and investigating animal bites, impoundment, redemption, notification and contracting procedures; setting forth what constitutes a nuisance, dangerous or potentially dangerous animal, threat to public safety; neglect or cruelty and other regulated activities; setting forth enforcement actions that may be taken by the County and penalties for interfering with enforcement; setting forth the powers of the Animal Control Division, the Animal Matters Hearing Board; setting forth civil and criminal penalties and an appeal process; and generally relating to the Animal Control Law of Howard County.

Introduced and read first time _____, 2004. Ordered posted and hearing scheduled.

By order _____
Sheila M. Tolliver, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2004.

By order _____
Sheila M. Tolliver, Administrator

This Bill was read the third time on _____, 2004 and Passed ____, Passed with amendments ____, Failed ____.

By order _____
Sheila M. Tolliver, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ____ day of _____, 2004 at ____ a.m./p.m.

By order _____
Sheila M. Tolliver, Administrator

Approved by the County Executive _____, 2004

James N. Robey, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN ALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 ***Section 1. Be It Enacted*** by the County Council of Howard County, Maryland, that Subtitle 3
2 *“Animals” of Title 17 “Public Protection Services”, of the Howard County Code, be, and it*
3 *is hereby, repealed.*

4
5 ***Section 2. And Be It Further Enacted*** by the County Council of Howard County, Maryland,
6 *that new Subtitle 3 “Animals” be, and it is hereby, added to Title 17 “Public Protection*
7 *Services”, of the Howard County Code, to read as follows:*

8
9 **Title 17. Public Protection Services.**

10 **SUBTITLE 3. ANIMALS.**

11
12 **SECTION 17.300. DEFINITIONS.**

13 TERMS IN THIS SUBTITLE HAVE THE MEANINGS INDICATED:

- 14 (A) ***ALTER.*** A SURGICAL PROCEDURE OR CHEMICAL TREATMENT THAT
15 ***RENDERS AN ANIMAL INCAPABLE OF REPRODUCING.***
- 16 (B) ***ANIMAL.*** EVERY NONHUMAN VERTEBRATE SPECIES, INCLUDING BUT
17 ***NOT LIMITED TO DOGS, CATS, LIVESTOCK, AND FOWL. "ANIMAL"***
18 ***INCLUDES EVERY LIVING CREATURE SOLD OR EXCHANGED AS A***
19 ***COMMERCIAL ITEM.***
- 20 (C) ***ANIMAL CONTROL ADMINISTRATOR; ADMINISTRATOR.*** THE APPOINTED
21 ***MANAGER OF THE ANIMAL CONTROL DIVISION OR THE MANAGER’S***
22 ***DESIGNEE.***
- 23 (D) ***ANIMAL CONTROL FACILITY.*** A FACILITY OWNED OR OPERATED BY
24 ***HOWARD COUNTY OR UNDER CONTRACT WITH HOWARD COUNTY FOR***
25 ***THE CARE, CONFINEMENT, DISPOSITION, AND DETENTION OF ANIMALS.***
- 26 (E) ***ANIMAL CONTROL OFFICER.*** ANY HOWARD COUNTY EMPLOYEE
27 ***ENFORCING THIS SUBTITLE AND SUPERVISED BY THE ANIMAL***
28 ***CONTROL ADMINISTRATOR.***
- 29 (F) ***ANIMAL EXPOSED TO RABIES.*** AN ANIMAL WHICH:
30 (1) ***HAS BEEN BITTEN BY AN ANIMAL WHICH HAS RABIES;***

- 1 (2) HAS BEEN BITTEN BY AN ANIMAL WHICH HAS BEEN IN
2 PROXIMITY TO AN ANIMAL WHICH HAS RABIES; OR
3 (3) HAS BEEN EXPOSED TO AN ANIMAL WHICH HAS RABIES.
- 4 (G) *ANIMAL SANCTUARY.* A FACILITY THAT PERFORMS AT LEAST ONE OF
5 THE FOLLOWING FUNCTIONS:
6 (1) RESCUES, REHABILITATES, AND RELEASES, WHEN POSSIBLE,
7 NATIVE WILDLIFE; OR
8 (2) PROVIDES PERMANENT HOUSING TO THE FOLLOWING
9 CATEGORIES OF NON-RELEASABLE ANIMALS, AS DEFINED IN
10 THIS SUBTITLE:
11 (I) WILD ANIMALS; OR
12 (II) EXOTIC ANIMALS.
- 13 (H) *AT LARGE.*
14 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A
15 DOMESTICATED ANIMAL IS AT LARGE WHEN IT IS:
16 (I) OFF THE PROPERTY OF ITS OWNER (PROPERTY OF THE
17 OWNER DOES NOT INCLUDE ANY PUBLIC RIGHT-OF-WAY
18 OR EASEMENT, COMMON AREA OF CONDOMINIUMS OR
19 APARTMENTS, COMMON ACCESS ROAD OR WALKWAY, OR
20 ANY AREA OPEN TO THE PUBLIC); AND
21 (II) NOT SECURED BY A LEASH OR LEAD AND UNDER THE
22 CONTROL OF A RESPONSIBLE PERSON CAPABLE OF
23 IMMEDIATE AND EFFECTIVE RESTRAINT OF THE ANIMAL.
- 24 (2) A DOMESTICATED ANIMAL IS NOT AT LARGE WHEN IT IS:
25 (I) UNDER THE CONTROL OF A RESPONSIBLE PERSON
26 CAPABLE OF IMMEDIATE AND EFFECTIVE RESTRAINT OF
27 THE ANIMAL AND BEING TRAINED OR USED IN HERDING,
28 HUNTING, OR TRACKING;
29 (II) BEING TRAINED IN OBEDIENCE; OR
30 (III) ON PARK LAND, AS DEFINED IN SECTION 19.201 OF THE
31 COUNTY CODE, WHICH HAS BEEN DESIGNATED BY THE

- 1 DIRECTOR OF RECREATION AND PARKS AS A FACILITY
2 FOR ANIMALS, PROVIDED THE OWNER OF THE ANIMAL
3 COMPLIES WITH THE RULES OF THE FACILITY.
- 4 (I) *BOARD.* THE ANIMAL MATTERS HEARING BOARD.
- 5 (J) *CAT FANCIER.* A HOUSEHOLD, CONSISTING OF 1 OR MORE PERSONS,
6 WHICH OWNS OR KEEPS 3 OR MORE CATS WHICH ARE REGISTERED
7 WITH A NATIONAL BREED REGISTRATION ASSOCIATION, AND:
8 (1) BREEDS THE CATS TO PRODUCE NOT MORE THAN A TOTAL OF 2
9 LITTERS PER YEAR PER HOUSEHOLD (A LITTER BEING 2 OR MORE
10 KITTENS LIVING TO THE AGE OF 4 WEEKS); OR
11 (2) EXHIBITS THE CATS IN SHOWS.
- 12 (K) *CRUELTY.* AN ACT OF COMMISSION OR OMISSION WHEREBY
13 UNJUSTIFIED PHYSICAL PAIN, SUFFERING, OR DEATH IS CAUSED OR
14 PERMITTED, INCLUDING FAILURE TO PROVIDE PROPER DRINK, AIR,
15 SPACE, SHELTER, SHADE, PROTECTION FROM THE ELEMENTS,
16 SANITARY CONDITIONS, VETERINARY CARE, OR NUTRITIOUS FOOD IN
17 SUFFICIENT QUANTITY. CUSTOMARY AND NORMAL VETERINARY AND
18 AGRICULTURAL HUSBANDRY PRACTICES, INCLUDING BUT NOT
19 LIMITED TO DEHORNING, CASTRATION, DOCKING TAILS AND LIMIT
20 FEEDING, ARE NOT CONSIDERED TO BE ACTS OF CRUELTY. DURING AN
21 ACTIVITY IN WHICH PHYSICAL PAIN IS NECESSARILY CAUSED, SUCH
22 AS FOOD PROCESSING, ANIMAL TRAINING, HUNTING, TRAPPING,
23 EXPERIMENTATION, OR PEST ELIMINATION, "CRUELTY" SHALL MEAN A
24 FAILURE TO EMPLOY THE MOST REASONABLE HUMANE METHOD
25 AVAILABLE.
- 26 (L) *DEPARTMENT.* THE HOWARD COUNTY DEPARTMENT OF INSPECTIONS,
27 LICENSES AND PERMITS.
- 28 (M) *DIRECTOR.* THE HOWARD COUNTY DIRECTOR OF INSPECTIONS,
29 LICENSES AND PERMITS OR THE DIRECTOR'S DESIGNEE.
- 30 (N) *DISPOSITION.*
31 (1) ADOPTION OR PLACEMENT AS A PET IN AN APPROVED HOME;

- 1 (2) PERFORMANCE OF EUTHANASIA;
- 2 (3) IN THE CASE OF A WILD OR EXOTIC ANIMAL, RELEASE INTO A
- 3 SUITABLE HABITAT OR TO A SUITABLE CARE FACILITY SUCH AS
- 4 A HUMANE SOCIETY SHELTER, ZOO, OR SANCTUARY; OR
- 5 (4) REDEMPTION BY THE ANIMAL'S OWNER.
- 6 (O) *DOG FANCIERS*. A HOUSEHOLD, CONSISTING OF 1 OR MORE PERSONS,
- 7 WHICH OWNS OR KEEPS 3 OR MORE DOGS WHICH ARE REGISTERED
- 8 WITH A NATIONAL BREED REGISTRATION ASSOCIATION, AND:
- 9 (1) USES THE DOGS FOR THE NONCOMMERCIAL PURPOSES OF
- 10 HUNTING OR PRACTICING TRACKING;
- 11 (2) BREEDS THE DOGS TO PRODUCE NOT MORE THAN A TOTAL OF 2
- 12 LITTERS PER YEAR PER HOUSEHOLD (A LITTER BEING 2 OR MORE
- 13 PUPS LIVING TO THE AGE OF 4 WEEKS); OR
- 14 (3) EXHIBITS THE DOGS IN SHOWS, FIELD TRIALS, OR OBEDIENCE
- 15 TRIALS.
- 16 (P) *DOMESTICATED ANIMAL*. AN ANIMAL OF A SPECIES THAT NORMALLY IS
- 17 BRED, RAISED, AND ACCUSTOMED TO LIVE IN OR ABOUT HUMAN
- 18 HABITATION, AND NORMALLY IS DEPENDENT ON HUMANS FOR FOOD
- 19 OR SHELTER. DOMESTICATED ANIMALS INCLUDE BUT ARE NOT
- 20 LIMITED TO LIVESTOCK AND POULTRY AND PETS SUCH AS DOGS,
- 21 CATS, FERRETS, RABBITS, HAMSTERS, GUINEA PIGS, MICE, RATS,
- 22 CANARIES, PARROTS, PARAKEETS, AND MYNAH BIRDS.
- 23 (Q) *EXOTIC ANIMAL*. AN ANIMAL OF A SPECIES THAT IS NOT INDIGENOUS
- 24 TO HOWARD COUNTY AND IS NOT A DOMESTICATED ANIMAL. "EXOTIC
- 25 ANIMAL" INCLUDES ANY HYBRID ANIMAL WHICH RESULTS FROM THE
- 26 BREEDING OF AN EXOTIC ANIMAL AND A DOMESTICATED ANIMAL.
- 27 (R) *FACILITY*. A BUILDING OR PROPERTY, OTHER THAN A PRIVATE
- 28 RESIDENCE, IN WHICH ANIMALS ARE MAINTAINED.
- 29 (S) *HEALTH OFFICER*. THE HOWARD COUNTY HEALTH OFFICER OR THE
- 30 HEALTH OFFICER'S DESIGNEE.

- 1 (T) *IMMEDIATE DESTRUCTION*. DESTRUCTION OF AN ANIMAL WITHOUT
2 WAITING THE REQUIRED NUMBER OF DAYS FOR IDENTIFICATION OF
3 THE ANIMAL'S OWNER OR FOR THE ANIMAL TO BE DEEMED
4 ABANDONED.
- 5 (U) *LIVESTOCK*. DOMESTICATED ANIMALS USUALLY KEPT ON A FARM,
6 INCLUDING BUT NOT LIMITED TO POULTRY, CATTLE, SHEEP, GOATS,
7 PIGS, HORSES, PONIES, MULES, DONKEYS, AND LLAMAS.
- 8 (V) *NEGLECT*. AN ACT OF OMISSION OR COMMISSION WHEREBY AN
9 ANIMAL IS DEPRIVED OF ACCESS TO ADEQUATE WATER, FOOD,
10 SHELTER, SHADE, AIR, OR SANITARY CONDITIONS, OR IS CHAINED OR
11 OTHERWISE CONFINED, LACKING FREEDOM OF MOVEMENT ADEQUATE
12 TO ENSURE ACCESS TO ANY OF THE ABOVE.
- 13 (W) *OWNER*. A PERSON WHO KEEPS, POSSESSES, HARBORS, HAS CUSTODY
14 OF, EXERCISES CONTROL OVER, OR HAS A PROPERTY RIGHT IN ANY
15 ANIMAL, RESIDENCE, OR FACILITY. IF THE PERSON IS A MINOR, THE
16 PARENT OR LEGAL GUARDIAN OF THE MINOR SHALL BE CONSIDERED
17 THE OWNER. "OWNER" DOES NOT INCLUDE A VETERINARY HOSPITAL
18 OR A COMMERCIAL BOARDING OR GROOMING FACILITY CARING FOR
19 THE PETS OF OTHERS.
- 20 (X) *SEVERE INJURY*. A PHYSICAL INJURY THAT RESULTS IN LACERATIONS
21 REQUIRING SUTURES OR COSMETIC SURGERY, BROKEN BONES, SEVERE
22 BRUISES, OR DEEP PUNCTURE WOUNDS.
- 23 (Y) *SHELTER*. A STRUCTURE OF ADEQUATE SIZE, CONSTRUCTION AND
24 DESIGN TO PROTECT AN ANIMAL FROM ALL TYPES OF INCLEMENT
25 WEATHER, PROVIDE ADEQUATE VENTILATION, AND ALLOW AN
26 ANIMAL TO MAINTAIN NORMAL INTERNAL BODY TEMPERATURE.
- 27 (Z) *SWORN STATEMENT*. A FORMAL NUISANCE COMPLAINT MADE ON A
28 FORM DISTRIBUTED BY THE ANIMAL CONTROL DIVISION AND
29 REQUIRING THE COMPLAINANT TO SWEAR, UNDER THE PENALTY OF
30 PERJURY, THAT THE ALLEGED OFFENSE IS TRUE. A SWORN STATEMENT
31 DOES NOT HAVE TO BE ATTESTED TO BY A THIRD PARTY.

1 (AA) *WILD ANIMAL*. AN ANIMAL THAT IS NOT A DOMESTICATED ANIMAL, IS
2 INCAPABLE OF BEING COMPLETELY DOMESTICATED, OR REQUIRES
3 THE EXERCISE OF ART, FORCE, OR SKILL TO KEEP IT IN SUBJUGATION.
4 “WILD ANIMAL” INCLUDES ANY HYBRID ANIMAL WHICH RESULTS
5 FROM THE BREEDING OF A WILD ANIMAL AND A DOMESTICATED
6 ANIMAL.

7
8 **SECTION 17.301. RABIES VACCINATIONS; LICENSES AND TAGS; FEES.**

9 (A) *RABIES VACCINATIONS FOR CERTAIN ANIMALS.*

10 (1) *REQUIREMENT TO VACCINATE*. THE OWNER OF EVERY DOG, CAT,
11 AND FERRET OVER THE AGE OF 4 MONTHS SHALL
12 CONTINUOUSLY PROTECT THE ANIMAL AGAINST CONTRACTING
13 RABIES BY HAVING THE ANIMAL VACCINATED. A CURRENTLY
14 VALID VACCINATION CERTIFICATE ISSUED BY A LICENSED
15 VETERINARIAN SHALL CONSTITUTE PRIMA FACIE EVIDENCE
16 THAT THE ANIMAL IS VACCINATED.

17 (2) *EXEMPTIONS*. A DOG, CAT, OR FERRET IS NOT REQUIRED TO BE
18 VACCINATED AGAINST RABIES IF THE ANIMAL:

19 (I) DOES NOT HAVE A BITE HISTORY AND, IN THE WRITTEN
20 OPINION OF A LICENSED VETERINARIAN, IS IN A MEDICAL
21 CONDITION IN WHICH VACCINATION IS NOT ADVISABLE,
22 PROVIDED THE EXEMPTION CONTINUES ONLY AS LONG AS
23 THE MEDICAL CONDITION PERSISTS; OR

24 (II) HAS RECEIVED A RABIES TITER FROM A UNITED STATES
25 DEPARTMENT OF AGRICULTURE APPROVED FACILITY.

26 (3) *TYPES OF VACCINATION*. THE HEALTH OFFICER SHALL APPROVE
27 THE TYPES OF RABIES VACCINATION THAT MAY BE USED.

28 (4) *PREREQUISITE TO ISSUANCE OF LICENSE*. UNLESS THE ANIMAL IS
29 EXEMPT FROM VACCINATION UNDER PARAGRAPH (2) OF THIS
30 SUBSECTION, THE DEPARTMENT SHALL NOT ISSUE A DOG OR

- 1 CAT LICENSE FOR ANY ANIMAL THAT IS NOT CURRENTLY
2 VACCINATED FOR RABIES.
- 3 (5) *VIOLATIONS.* IN ADDITION TO ANY ENFORCEMENT ACTION
4 TAKEN UNDER THIS SUBTITLE, THE ANIMAL CONTROL
5 ADMINISTRATOR OR THE HEALTH OFFICER SHALL GIVE THE
6 OWNER OF ANY DOG, CAT, OR FERRET THAT IS NOT VACCINATED
7 AGAINST RABIES IN ACCORDANCE WITH THIS SECTION NOTICE
8 THAT THE ANIMAL WILL BE SUBJECT TO IMPOUNDMENT IF IT IS
9 NOT VACCINATED WITHIN 7 DAYS.
- 10 (6) *RABIES VACCINATION PRIOR TO RELEASE.* EXCEPT AS PROVIDED IN
11 PARAGRAPH (2) OF THIS SUBSECTION, A DOG, CAT, OR FERRET
12 SHALL NOT BE RELEASED FOR ADOPTION OR AFTER BEING
13 IMPOUNDED UNLESS A RABIES VACCINATION HAS BEEN
14 ADMINISTERED BY A LICENSED VETERINARIAN AT THE EXPENSE
15 OF THE ADOPTER OR OWNER.
- 16 (B) *DOG AND CAT LICENSES.* A DOG OR CAT LICENSE IS ISSUED BY THE
17 DEPARTMENT IN ACCORDANCE WITH THIS SUBSECTION.
- 18 (1) *LICENSE REQUIRED.* UNLESS THE ANIMAL IS KEPT TEMPORARILY
19 FOR SALE AT A COMMERCIAL KENNEL OR OTHER COMMERCIAL
20 FACILITY, AN INDIVIDUAL WHO OWNS OR HAS CUSTODY OF A
21 DOG OR CAT OVER THE AGE OF 6 MONTHS SHALL OBTAIN A
22 LICENSE FOR THE ANIMAL FROM THE DEPARTMENT WITHIN 30
23 DAYS AFTER ESTABLISHING RESIDENCY IN THE COUNTY OR
24 WITHIN 30 DAYS AFTER THE ANIMAL REACHES THE AGE OF 6
25 MONTHS.
- 26 (2) *LICENSE RENEWAL.* A LICENSE FOR A DOG OR CAT SHALL BE
27 RENEWED ANNUALLY ON A SCHEDULE DETERMINED BY THE
28 DEPARTMENT, EXCEPT THAT THE OWNER MAY OBTAIN A 3-YEAR
29 LICENSE IF IT COINCIDES WITH THE EXPIRATION OF A 3-YEAR
30 RABIES VACCINATION FOR THE ANIMAL.
- 31 (3) *INFORMATION ISSUED WITH LICENSES.*

- 1 (I) WITH EACH LICENSE AND RENEWAL ISSUED, THE
2 DEPARTMENT AND THE ANIMAL CONTROL DIVISION
3 SHALL PROVIDE A COPY OF A PAMPHLET THAT
4 SUMMARIZES EXISTING ANIMAL CONTROL LAWS TO EACH
5 DOG AND CAT OWNER.
- 6 (II) ONCE EACH EXISTING DOG AND CAT OWNER HAS BEEN
7 THROUGH A LICENSE RENEWAL CYCLE, THE DEPARTMENT
8 SHALL ONLY ISSUE A PAMPHLET THAT SUMMARIZES THE
9 EXISTING ANIMAL CONTROL LAWS TO AN OWNER
10 SEEKING A NEW LICENSE.
- 11 (4) *CHANGE OF OWNERSHIP.* UPON CHANGE OF OWNERSHIP OF A
12 DOG OR CAT, THE FORMER OWNER AND THE NEW OWNER SHALL
13 NOTIFY THE DEPARTMENT IN WRITING OF THE CHANGE.
- 14 (5) *LICENSE FEE.* LICENSE FEES ARE ESTABLISHED BY THE COUNTY
15 COUNCIL UNDER SECTION 17.312 OF THIS SUBTITLE.
- 16 (C) *LICENSE TAG:*
- 17 (1) *LICENSE TAG ISSUED.* THE DIRECTOR SHALL ISSUE AN
18 INDIVIDUAL LICENSE TAG FOR EACH DOG AND CAT LICENSED,
19 AND UPON PAYMENT OF A REPLACEMENT FEE BY THE OWNER
20 SHALL ISSUE A DUPLICATE IF THE TAG IS LOST.
- 21 (2) *TAG TO BE WORN; TAG NONTRANSFERABLE.* EACH DOG AND CAT
22 LICENSED SHALL WEAR THE TAG ISSUED FOR IT ATTACHED TO A
23 COLLAR OR HARNESS. A LICENSE TAG SHALL NOT BE OBSCURED
24 OR DEFACED IN ANY WAY, AND SHALL NOT BE TRANSFERRED
25 FROM ONE ANIMAL TO ANOTHER.
- 26 (3) *EXEMPTIONS.*
- 27 (I) A DOG OR CAT WITH A MICROCHIP IMBEDDED UNDER THE
28 SKIN WHICH CONTAINS INFORMATION IDENTIFYING THE
29 OWNER OF THE ANIMAL IS NOT REQUIRED TO WEAR A
30 LICENSE TAG.

- 1 (II) AN ANIMAL PARTICIPATING IN AN ORGANIZED ACTIVITY
2 SUCH AS A DOG OR CAT SHOW IS NOT REQUIRED TO WEAR
3 A LICENSE TAG.
- 4 (4) *REMOVAL*. NO PERSON OTHER THAN THE OWNER, THE OWNER'S
5 AGENT, OR THE ANIMAL CONTROL ADMINISTRATOR MAY
6 REMOVE A LICENSE TAG FROM A DOG OR CAT.
- 7 (D) *LICENSE EXEMPTIONS*. THE FOLLOWING TYPES OF DOGS AND CATS ARE
8 EXEMPT FROM THE LICENSING AND TAG REQUIREMENTS OF THIS
9 SECTION:
- 10 (1) *OWNED BY NONRESIDENT*. A DOG OR A CAT OWNED BY A
11 NONRESIDENT, IF IT IS TEMPORARILY IN THE COUNTY FOR LESS
12 THAN 30 DAYS AND IS WEARING A CURRENT, VALID LICENSE
13 TAG ISSUED BY ANOTHER JURISDICTION;
- 14 (2) *RESIDING IN CERTAIN INSTITUTIONS*. A DOG OR CAT CONFINED TO
15 THE PREMISES OF AN EDUCATIONAL AND RESEARCH
16 INSTITUTION OR AN INCORPORATED BENEVOLENT SOCIETY
17 DEVOTED TO THE CARE OR HOSPITAL TREATMENT OF LOST,
18 STRAYED, OR HOMELESS ANIMALS;
- 19 (3) *POLICE DOG*. UNDER SECTION 2-313 OF THE PUBLIC SAFETY
20 ARTICLE OF THE ANNOTATED CODE OF MARYLAND, A DOG
21 OWNED BY THE STATE OR ITS POLITICAL JURISDICTION FOR
22 POLICE WORK; AND
- 23 (4) *FARM CAT*. A CAT THAT IS KEPT FOR RODENT AND PEST CONTROL
24 ON REAL PROPERTY THAT IS ASSESSED AS AN AGRICULTURAL
25 USE BY THE STATE DEPARTMENT OF ASSESSMENTS AND
26 TAXATION AND IS USED IN AN AGRICULTURAL OPERATION AS
27 THAT TERM IS DEFINED IN SECTION 12.111 (THE "HOWARD
28 COUNTY RIGHT-TO-FARM ACT") OF THE HOWARD COUNTY CODE.
- 29 (E) *FEES*. BASED UPON RECOMMENDATIONS FROM THE BOARD, THE
30 ANIMAL CONTROL ADMINISTRATOR, AND THE DIRECTOR, THE COUNTY

1 COUNCIL SHALL ADOPT A RESOLUTION APPROVING A SCHEDULE OF
2 FEES FOR ANIMAL CONTROL SERVICES AND LICENSE FEES THAT:

- 3 (1) SHALL PROVIDE THAT THE LICENSE FEES COVER IN PART THE
4 COSTS OF ADMINISTERING AND ENFORCING THIS SUBTITLE;
- 5 (2) SHALL PROVIDE THAT IF THE DOG IS ACTUALLY IN USE FOR
6 SUCH A PURPOSE IN A SERVICE OR THERAPEUTIC SETTING, NO
7 LICENSE FEE IS CHARGED FOR A SERVICE DOG TRAINED TO
8 PROVIDE PHYSICAL SUPPORT FOR INDIVIDUALS WHO ARE
9 HEARING, VISUALLY, OR MOBILITY IMPAIRED;
- 10 (3) IN ORDER TO ENCOURAGE OWNERS TO HAVE THEIR ANIMALS
11 ALTERED, SHALL PROVIDE THAT THE LICENSE FEE FOR ALTERED
12 DOGS AND CATS IS LOWER THAN THE FEE FOR UNALTERED
13 DOGS AND CATS;
- 14 (4) SHALL PROVIDE THAT THERE IS A SINGLE LICENSE FEE FOR DOG
15 AND CAT FANCIERS WHICH COVERS THE ISSUANCE OF A
16 LICENSE TO EACH DOG AND CAT OWNED BY THE FANCIER;
- 17 (5) SHALL PROVIDE THAT IF EVERY DOG AND CAT IN THE PERSON'S
18 RESIDENCE HAS BEEN ALTERED, THERE IS A SINGLE LICENSE FEE
19 THAT COVERS THE ISSUANCE OF A LICENSE FOR EACH DOG OR
20 CAT OWNED BY A PERSON WHO, WITHIN HIS OR HER RESIDENCE
21 OR IN ITS IMMEDIATE VICINITY, OWNS OR KEEPS 3 OR MORE
22 DOGS OR CATS WHICH ARE ALTERED;
- 23 (6) MAY INCLUDE A REDUCED FEE FOR SENIOR CITIZENS; AND
- 24 (7) EXCEPT FOR LICENSE AND VACCINATION FEES, AUTHORIZES THE
25 ADMINISTRATOR TO WAIVE A FEE IF SPECIAL CIRCUMSTANCES
26 EXIST.

27
28 **SECTION 17.302. NUISANCES.**

29 (A) *DEFINITION.* A NUISANCE OCCURS WHEN:

- 30 (1) A DOMESTICATED ANIMAL RUNS AT LARGE;

- (2) A DOMESTICATED ANIMAL IS PRESENT ON A SCHOOL GROUND ON A DAY WHEN SCHOOL IS IN SESSION AND THE ANIMAL IS NOT CONTROLLED BY A LEASH OR ADEQUATE RESTRAINING DEVICE;
- (3) A DOMESTICATED ANIMAL INTERFERES WITH AN ORGANIZED ACTIVITY OR AN INDIVIDUAL IN A PUBLIC RECREATION AREA;
- (4) A DOMESTICATED ANIMAL (OTHER THAN A HORSE, PONY, MULE, OR DONKEY INVOLVED IN A LEGALLY PERMITTED PARADE OR A POLICE MOUNT ON DUTY) DEFECATES ANYWHERE EXCEPT ON THE PRIVATE PROPERTY OF ITS OWNER UNLESS THE OWNER REMOVES THE FECES AND DISPOSES OF THEM IN A SANITARY MANNER;
- (5) A FEMALE DOMESTICATED ANIMAL IN HEAT IS NOT CONFINED INDOORS OR IN A PROPERLY VENTILATED BUILDING OR OTHER OUTDOOR SECURE ENCLOSURE, EXCEPT THAT A FEMALE ANIMAL IN HEAT IS NOT A NUISANCE WHEN ALLOWED OUT OF THE BUILDING OR SECURE ENCLOSURE:
- (I) IN ORDER TO URINATE OR DEFECATE, PROVIDED THAT THE ANIMAL IS ON A LEASH AND CONTROLLED BY THE OWNER OR A RESPONSIBLE PERSON AT LEAST 18 YEARS OF AGE DESIGNATED BY THE OWNER; OR
- (II) IN ORDER TO BE TAKEN FOR TREATMENT, BOARDING, BREEDING, TRAINING, OR SHOWING, PROVIDED THAT WHILE EN ROUTE THE ANIMAL IS ON A LEASH OR LEAD AND CONTROLLED BY THE OWNER OR A RESPONSIBLE PERSON AT LEAST 18 YEARS OF AGE DESIGNATED BY THE OWNER;
- (6) ANY RESIDENCE OR FACILITY WHERE ANIMALS ARE KEPT IS DANGEROUS, UNSANITARY, OR OFFENSIVE BECAUSE THE RESIDENCE OR FACILITY IS TOO SMALL FOR THE NUMBER OF ANIMALS KEPT OR BECAUSE IT IS NOT MAINTAINED IN A SANITARY MANNER;

- 1 (7) A DOMESTICATED ANIMAL DISTURBS GARBAGE ON PUBLIC
2 PROPERTY OR GARBAGE PROPERLY PLACED FOR DISPOSAL;
3 (8) A DOMESTICATED ANIMAL CHASES VEHICLES;
4 (9) A DOMESTICATED ANIMAL DISTURBS THE PUBLIC PEACE;
5 (10) A DOMESTICATED ANIMAL DAMAGES THE PROPERTY OF
6 PERSONS OTHER THAN THE ANIMAL'S OWNER; OR
7 (11) THE ODOR OF A DOMESTICATED ANIMAL FOULS THE AIR AND
8 CREATES AN UNREASONABLE ANNOYANCE OR DISCOMFORT TO
9 NEIGHBORS OR OTHERS IN CLOSE PROXIMITY TO THE PREMISES
10 WHERE THE ANIMAL IS KEPT, EXCEPT THAT THERE IS NO
11 NUISANCE IF THE ODOR COMES FROM LIVESTOCK MAINTAINED
12 IN ACCORDANCE WITH GENERALLY ACCEPTED AGRICULTURAL
13 MANAGEMENT PRACTICES.

14 (B) *DECLARING AN ANIMAL, RESIDENCE, OR FACILITY A NUISANCE.* THE
15 ADMINISTRATOR MAY DECLARE AN ANIMAL, RESIDENCE, OR FACILITY
16 A NUISANCE IF THE OWNER HAS RECEIVED 3 NUISANCE CITATIONS FOR
17 THE SAME OR DIFFERENT NUISANCES WITHIN THE PREVIOUS 24
18 MONTHS AND THE CITATIONS HAVE BEEN PAID OR UPHOLD.

19 (C) WITHIN 7 DAYS OF DECLARING AN ANIMAL, RESIDENCE, OR FACILITY
20 A NUISANCE, THE ADMINISTRATOR SHALL GIVE THE OWNER WRITTEN
21 NOTICE OF:

- 22 (1) THE DECLARATION; AND
23 (2) THE OWNER'S RIGHT TO APPEAL THE DECLARATION TO THE
24 BOARD WITHIN 7 DAYS.

25

26 **SECTION 17.303. DANGEROUS AND POTENTIALLY DANGEROUS ANIMALS.**

27 (A) *DECLARATION.* THE ANIMAL CONTROL ADMINISTRATOR MAY:

28 (1) DECLARE AN ANIMAL POTENTIALLY DANGEROUS IF THE
29 ANIMAL HAS:

- 30 (I) BITTEN A PERSON;
31 (II) ATTACKED WITHOUT PROVOCATION; OR

- 1 (III) WHILE OFF ITS OWNER'S PROPERTY, KILLED OR INFLICTED
2 SEVERE INJURY TO A DOMESTICATED ANIMAL; OR
3 (2) DECLARE AN ANIMAL DANGEROUS IF THE ANIMAL HAS:
4 (I) WITHOUT PROVOCATION KILLED OR INFLICTED SEVERE
5 INJURY ON A PERSON OR A DOMESTICATED ANIMAL; OR
6 (II) BEEN DECLARED POTENTIALLY DANGEROUS BY THE
7 ANIMAL CONTROL ADMINISTRATOR AND HAS
8 SUBSEQUENTLY:
9 A. BITTEN A PERSON;
10 B. ATTACKED WITHOUT PROVOCATION; OR
11 C. WHILE OFF ITS OWNER'S PROPERTY, KILLED OR
12 INFLICTED SEVERE INJURY TO A DOMESTICATED
13 ANIMAL.
14 (B) *NOTIFICATION TO OWNER.* WITHIN 7 DAYS OF DECLARING AN ANIMAL
15 DANGEROUS OR POTENTIALLY DANGEROUS, THE ADMINISTRATOR
16 SHALL GIVE THE OWNER WRITTEN NOTICE OF:
17 (1) THE DECLARATION;
18 (2) THE OWNER'S RIGHT TO APPEAL THE DECLARATION TO THE
19 BOARD WITHIN 7 DAYS OF THE NOTICE; AND
20 (3) THE ENFORCEMENT ACTION THE ADMINISTRATOR INTENDS TO
21 TAKE.
22 (C) *CONFINEMENT.* THE OWNER OF A DANGEROUS ANIMAL SHALL:
23 (1) KEEP IT SECURELY CONFINED INDOORS OR IN A PEN OR
24 STRUCTURE:
25 (I) IN WHICH ALL GATES AND ENTRANCES ARE KEPT
26 SECURELY CLOSED AND LOCKED;
27 (II) THAT IS SUITABLE TO PREVENT THE ENTRY OF YOUNG
28 CHILDREN; AND
29 (III) THAT IS DESIGNED IN ACCORDANCE WITH THE
30 REQUIREMENTS OF THE ADMINISTRATOR OR THE BOARD
31 TO PREVENT THE ANIMAL FROM ESCAPING;

- 1 (2) NOT LEAVE IT UNATTENDED ON THE OWNER'S PROPERTY
2 UNLESS THE ANIMAL IS CONFINED INDOORS OR IN A SECURE
3 STRUCTURE DESIGNED TO RESTRAIN THE ANIMAL IN
4 ACCORDANCE WITH THE REQUIREMENTS OF THE
5 ADMINISTRATOR OR THE BOARD;
- 6 (3) NOT PERMIT THE ANIMAL TO GO BEYOND THE OWNER'S REAL
7 PROPERTY UNLESS THE ANIMAL IS:
- 8 (I) LEASHED AND MUZZLED OR OTHERWISE SECURELY
9 RESTRAINED AS APPROPRIATE FOR THE SPECIES OF
10 ANIMAL; AND
- 11 (II) UNDER THE CONTROL OF A PERSON AT LEAST 18 YEARS OF
12 AGE WHO IS CAPABLE OF IMMEDIATE CONTROL AND
13 RESTRAINT OF THE ANIMAL; AND
- 14 (4) COMPLY WITH ANY ORDER BY THE ADMINISTRATOR TO
15 INSTITUTE CONTROL AND CONFINEMENT MEASURES FOR THE
16 ANIMAL.
- 17 (D) *IDENTIFICATION OF DANGEROUS ANIMALS.* THE OWNER OF AN ANIMAL
18 DECLARED DANGEROUS OR POTENTIALLY DANGEROUS SHALL, AT THE
19 OWNER'S EXPENSE, ARRANGE FOR A LICENSED VETERINARIAN TO
20 IMPLANT A MICROCHIP IN THE ANIMAL IDENTIFYING IT AS A
21 DANGEROUS ANIMAL AND, IF REQUIRED BY THE ADMINISTRATOR,
22 ENSURE THAT THE ANIMAL WEARS CLEARLY VISIBLE IDENTIFICATION
23 SUPPLIED BY THE ADMINISTRATOR, SUCH AS A COLLAR-MOUNTED
24 TAG CLEARLY IDENTIFYING THE ANIMAL AS DANGEROUS.
- 25 (E) *NOTICE TO ANIMAL CONTROL ADMINISTRATOR.* THE OWNER OF AN
26 ANIMAL WHICH HAS BEEN DECLARED DANGEROUS OR POTENTIALLY
27 DANGEROUS SHALL NOTIFY THE ANIMAL CONTROL ADMINISTRATOR
28 WHEN ANY OF THE FOLLOWING OCCUR:
- 29 (1) WHEN THE ANIMAL IS NOT UNDER CONTROL AND CONFINEMENT
30 MEASURES ORDERED UNDER THIS SECTION;

- 1 (2) IMMEDIATELY UPON TRANSFER OF THE ANIMAL TO ANOTHER
2 OWNER, GIVING THE NAME AND ADDRESS OF THE NEW OWNER;
3 OR
4 (3) IMMEDIATELY UPON CHANGING RESIDENCE, INCLUDING
5 CHANGING RESIDENCE WITHIN THE COUNTY.
- 6 (F) A PERSON WHO ACQUIRES AN ANIMAL WHICH HAS BEEN DECLARED
7 DANGEROUS OR POTENTIALLY DANGEROUS IN ANOTHER
8 JURISDICTION SHALL IMMEDIATELY NOTIFY THE ADMINISTRATOR
9 UPON ACQUIRING OWNERSHIP OF THE ANIMAL AND SHALL PROVIDE
10 THE ADMINISTRATOR WITH THE PREVIOUS OWNER'S NAME AND
11 ADDRESS AND THE CONTROL AND CONFINEMENT REQUIREMENTS
12 ESTABLISHED BY THE JURISDICTION WHICH DECLARED THE ANIMAL
13 DANGEROUS OR POTENTIALLY DANGEROUS.
- 14 (G) *NOTICE TO SUBSEQUENT OWNERS.* IF THE OWNER OF A DANGEROUS
15 ANIMAL OR A POTENTIALLY DANGEROUS ANIMAL TRANSFERS THE
16 ANIMAL TO ANOTHER OWNER, THE OWNER SHALL NOTIFY THE NEW
17 OWNER OF THE ANIMAL'S DANGEROUS BEHAVIOR AND THE TERMS OF
18 ITS CONFINEMENT AND CONTROL.

19
20 **SECTION 17.304. THREAT TO PUBLIC SAFETY.**

- 21 (A) *PROHIBITED BEHAVIOR.* A THREAT TO PUBLIC SAFETY AND WELFARE
22 OCCURS WHEN A DOMESTICATED ANIMAL:
23 (1) KILLS OR ENDANGERS THE LIFE OR HEALTH OF A
24 DOMESTICATED ANIMAL OR PERSON;
25 (2) ATTACKS A PERSON, OTHER THAN A PERSON:
26 (I) TEASING, TORMENTING, OR OTHERWISE DELIBERATELY
27 INCITING THE ANIMAL;
28 (II) COMMITTING A TORT OR CRIME ON THE PROPERTY OF THE
29 OWNER OF THE ATTACKING ANIMAL; OR
30 (III) ATTACKING THE OWNER OF THE ANIMAL OR A MEMBER
31 OF THE OWNER'S IMMEDIATE FAMILY;

- 1 (3) ATTACKS ANOTHER DOMESTICATED ANIMAL, OTHER THAN AN
2 ANIMAL AT LARGE ON THE PROPERTY OF THE OWNER OF THE
3 ATTACKING ANIMAL;
4 (4) MOLESTS OR OTHERWISE INTERFERES WITH THE FREEDOM OF
5 MOVEMENT OF A PERSON AT ANY PLACE; OR
6 (5) APPROACHES PEOPLE OR OTHER DOMESTICATED ANIMALS IN AN
7 APPARENT ATTITUDE OF ATTACK.
8 (B) *DECLARATION.* IF AN ANIMAL EXHIBITS BEHAVIOR PROHIBITED BY
9 SUBSECTION (A) OF THIS SECTION, THE ADMINISTRATOR MAY
10 DECLARE THE ANIMAL TO BE A THREAT TO PUBLIC SAFETY AND
11 WELFARE.
12 (C) *NOTICE TO OWNER.* WITHIN 7 DAYS OF DECLARING AN ANIMAL TO BE A
13 THREAT TO PUBLIC SAFETY, THE ADMINISTRATOR SHALL GIVE THE
14 OWNER WRITTEN NOTICE OF:
15 (1) THE DECLARATION; AND
16 (2) THE OWNER'S RIGHT TO APPEAL THE DECLARATION TO THE
17 BOARD WITHIN 7 DAYS.

18
19 **SECTION 17.305. NEGLECT AND CRUELTY.**

20 A PERSON SHALL NOT PERFORM OR PERMIT ANOTHER PERSON TO PERFORM
21 ANY OF THE FOLLOWING ACTS:

- 22 (A) SUBJECT AN ANIMAL TO CRUELTY OR NEGLECT;
23 (B) POISON A DOMESTICATED ANIMAL;
24 (C) LEAVE GROUND GLASS WHERE AN ANIMAL CAN INGEST IT;
25 (D) CRUELLY KILL, MAIM, SHOOT, OR OTHERWISE INJURE AN ANIMAL,
26 EXCEPT THAT:
27 (1) A LICENSED HUNTER MAY SHOOT WILD ANIMALS DURING THE
28 PERMITTED HUNTING SEASON,
29 (2) A LICENSED TRAPPER MAY TRAP WILD ANIMALS PURSUANT TO
30 LAW; AND

- 1 (3) THE OWNER OR TENANT OF LAND MAY SHOOT AN ANIMAL
2 WHICH PREYS UPON OR DESTROYS THE OWNER’S OR TENANT’S
3 ~~LIVESTOCK~~; LIVESTOCK, PROVIDED THE ANIMAL IS NOT A
4 PROTECTED OR ENDANGERED SPECIES UNDER COUNTY, STATE,
5 OR FEDERAL LAW;
- 6 (E) ABANDON A DOMESTICATED ANIMAL;
- 7 (F) DELIBERATELY INJURE, ABUSE, OR RUN DOWN AN ANIMAL WITH A
8 VEHICLE;
- 9 (G) DELIBERATELY ENCOURAGE ANIMALS TO FIGHT, ENGAGE IN
10 COCKFIGHTING OR DOGFIGHTING, RAISE ANIMALS FOR FIGHTING, OR
11 ORGANIZE OR PARTICIPATE IN ANY WAY IN ANIMAL FIGHTS; OR
- 12 (H) TEASE, TORMENT, OR DELIBERATELY INCITE AN ANIMAL, PROVIDED
13 THAT:
- 14 (1) ORDINARY ACTIVITIES OF PEOPLE ON THEIR OWN PROPERTY
15 SUCH AS MOWING OR PLAYING WITH CHILDREN AND ORDINARY
16 ACTIVITIES OF PASSERSBY SUCH AS WALKING OR JOGGING ON
17 THE SIDEWALK IN FRONT OF THE ANIMAL OWNER'S PROPERTY
18 ARE NOT DELIBERATE INCITEMENTS, HOWEVER EXCITED OR
19 DISTURBED THE ANIMAL BECOMES FROM THESE ACTIVITIES;
20 AND
- 21 (2) TRAINING OF AN ANIMAL FOR POLICE WORK BY THE STATE OR
22 BY A POLITICAL JURISDICTION OF THE STATE SHALL NOT BE
23 CONSIDERED TEASING, TORMENTING, OR DELIBERATELY
24 INCITING THE ANIMAL.
- 25

26 **SECTION 17.306. CARE OF ANIMALS.**

- 27 (A) *CARE OF LIVESTOCK.* THE OWNER OF LIVESTOCK SHALL:
- 28 (1) PROVIDE ADEQUATE FOOD, WATER, AND SHELTER FOR THE
29 ANIMALS;
- 30 (2) PROVIDE FENCING STRONG ENOUGH AND HIGH ENOUGH TO
31 CONTAIN THE LIVESTOCK; AND

- 1 (3) CONFINE BREEDING STUDS.
- 2 (B) *CARE OF HORSES, PONIES, MULES, DONKEYS, AND LLAMAS.*
- 3 (1) *LIGHT; VENTILATION; FOOD TROUGHS.* A BUILDING OR SHED
4 USED FOR STABLING HORSES, PONIES, MULES, DONKEYS, OR
5 LLAMAS SHALL BE WELL LIGHTED, VENTILATED, AND PROVIDED
6 WITH SUFFICIENT FEED TROUGHS OR BOXES.
- 7 (2) *CLEANLINESS OF BUILDINGS AND SHEDS.* A BUILDING OR SHED
8 USED FOR STABLING HORSES, PONIES, MULES, DONKEYS, OR
9 LLAMAS SHALL BE KEPT CLEAN AND IN GOOD REPAIR AT ALL
10 TIMES, ALL MANURE SHALL BE REMOVED FROM THE BUILDINGS
11 REGULARLY AS NEEDED, AND ANY MANURE PILE SHALL BE AT
12 LEAST 25 FEET AWAY FROM A BUILDING OR SHED HOUSING
13 HORSES, PONIES, MULES, DONKEYS, OR LLAMAS.
- 14 (3) *SIZE OF BOX STALLS.* BOX STALLS FOR HORSES AND MULES THAT
15 ARE 14 HANDS, 2 INCHES HIGH OR LARGER SHALL BE AT LEAST
16 10 FEET WIDE.
- 17 (C) *CARE OF DOMESTICATED BIRDS.*
- 18 (1) *BIRDS AND POULTRY NEAR PRIVATE RESIDENCES AND PUBLIC*
19 *BUILDINGS.* AN OWNER OF BIRDS OR POULTRY OTHER THAN
20 HOMING PIGEONS SHALL NOT ALLOW THE BIRDS OR POULTRY
21 TO FLY, RUN, OR STRAY WITHIN 50 FEET OF A PRIVATE
22 RESIDENCE, OTHER THAN THE OWNER'S RESIDENCE, OR WITHIN
23 50 FEET OF A BUILDING USED BY THE PUBLIC.
- 24 (2) *FOOD, WATER, SHELTER, CLEANLINESS.* THE OWNER OF THE BIRDS
25 OR POULTRY SHALL PROVIDE THEM WITH ADEQUATE FOOD,
26 WATER, SHELTER, AND SANITARY CONDITIONS.

27

28 **SECTION 17.307. OTHER REGULATED ACTIVITIES.**

- 29 (A) *SALE, BARTER, OR GIVING AWAY OF ANIMALS AS TOYS OR NOVELTIES.* A
30 PERSON SHALL NOT SELL, OFFER FOR SALE, BARTER, OR GIVE AWAY
31 LIVE ANIMALS AS TOYS, PREMIUMS, INCENTIVES, INDUCEMENTS, OR

1 NOVELTIES, EXCEPT THAT ANIMALS MAY BE GIVEN AWAY FOR
2 AGRICULTURAL OR CONSERVATION PROJECTS, OR WITH THE
3 APPROVAL OF THE MARYLAND SECRETARY OF AGRICULTURE UNDER
4 SECTION 10-610 OF THE CRIMINAL LAW ARTICLE OF THE ANNOTATED
5 CODE OF MARYLAND.

6 (B) *COLORING OR DYEING.* A PERSON SHALL NOT COLOR, DYE, STAIN, OR
7 OTHERWISE CHANGE THE NATURAL COLOR OF CHICKENS, DUCKS,
8 OTHER FOWL, OR RABBITS.

9 (C) *GAMBLING INVOLVING ANIMALS.* EXCEPT FOR LEGITIMATE SPORTING
10 EVENTS SUCH AS HORSE RACES AND DOG SHOWS, A PERSON SHALL
11 NOT INVOLVE AN ANIMAL IN A GAME OF CHANCE OR AN EVENT
12 INVOLVING GAMBLING.

13 (D) *WILD OR EXOTIC ANIMALS PROHIBITED.* A PERSON SHALL NOT KEEP,
14 HOLD FOR SALE, OFFER FOR SALE, OR SELL A WILD OR EXOTIC
15 ANIMAL, EVEN IF THE ANIMAL IS WELL-TRAINED, DE-CLAWED, DE-
16 FANGED, OSTENSIBLY DOMESTICATED, AND AFFECTIONATE TO
17 PEOPLE, EXCEPT THAT:

18 (1) A CIRCUS OR ANIMAL SHOW HOLDING A VALID PERMIT FROM
19 ANY PUBLIC AUTHORITY FOR TEMPORARY OPERATION IS
20 EXEMPT FROM THIS SUBSECTION FOR THE TERM OF THE PERMIT;

21 (2) A LICENSED VETERINARIAN MAY TEMPORARILY KEEP SUCH AN
22 ANIMAL ONLY FOR THE PURPOSE OF PROFESSIONAL MEDICAL
23 TREATMENT OF THE ANIMAL;

24 (3) THE HOLDER OF A VALID PERMIT ISSUED BY A STATE OR
25 FEDERAL AUTHORITY TO KEEP A WILD OR EXOTIC ANIMAL IS
26 EXEMPT FROM THIS SUBSECTION ONLY TO THE EXTENT
27 PROVIDED IN THE PERMIT;

28 (4) UNLESS PROHIBITED BY STATE LAW, A PERSON MAY KEEP OR
29 SELL SMALL ANIMALS SUCH AS HAMSTERS, GERBILS, GUINEA
30 PIGS, MICE, RATS, OTHER SMALL RODENTS, RABBITS, FERRETS,

1 BIRDS, FISH, AND NONPOISONOUS AMPHIBIANS AND REPTILES;
2 OR
3 (5) AN ANIMAL SANCTUARY IS EXEMPT FROM THIS SUBSECTION IF
4 THE SANCTUARY: MEETS ALL STATE AND FEDERAL LICENSING
5 AND PERMITTING REQUIREMENTS.
6 ~~(I) — MEETS ALL STATE AND FEDERAL LICENSING AND~~
7 ~~PERMITTING REQUIRMENTS; AND~~
8 ~~(II) — IS ACCREDITED BY THE ASSOCIATION OF SANCTUARIES~~
9 ~~OR THE ANIMAL CENTERS OF EXCELLENCE.~~
10 (E) TRAPS.
11 (1) *PERMITTED TYPES.* SNAP-TYPE TRAPS DESIGNED TO CATCH RATS
12 AND MICE AND BOX-TYPE TRAPS DESIGNED TO CAPTURE THE
13 ENTIRE ANIMAL IN AN ENCLOSURE MAY BE SET.
14 (2) *PROHIBITED TYPES.* A PERSON SHALL NOT USE LEG-HOLD TRAPS.
15 (3) *CONSENT OF OWNER.* A PERSON SHALL NOT PLACE A TRAP ON
16 ANY PROPERTY WITHOUT WRITTEN CONSENT OF THE PROPERTY
17 OWNER, EXCEPT THAT THE ADMINISTRATOR MAY SET TRAPS
18 WITH VERBAL PERMISSION OF THE PROPERTY OWNER.
19 (4) *SNARE AND BODY-GRIPPING TRAPS--PROXIMITY TO RESIDENCES.*
20 AN OWNER OR LESSEE OF PRIVATE REAL PROPERTY MAY PLACE,
21 SET, MAINTAIN, OR OPERATE SNARE OR BODY-GRIPPING TRAPS
22 ON THE PROPERTY, PROVIDED THAT NO SUCH TRAP IS PLACED,
23 SET, MAINTAINED, OR OPERATED WITHIN 150 YARDS OF THE
24 PERMANENT RESIDENCE OF ANOTHER PERSON.
25 (5) *CHECKING TRAPS.* A PERSON WHO SETS A TRAP SHALL:
26 (I) CHECK THE TRAP DAILY; AND
27 (II) REMOVE ANY ANIMAL IN THE TRAP IMMEDIATELY.
28 (6) ~~MARYLAND WILDLIFE ADMINISTRATION~~ DEPARTMENT OF NATURAL
29 RESOURCES. AN AUTHORIZED AGENT OF THE ~~MARYLAND~~
30 ~~WILDLIFE ADMINISTRATION~~ DEPARTMENT OF NATURAL
31 RESOURCES MAY SET TRAPS RELATED TO WILDLIFE CONTROL

1 ANYWHERE IN THE COUNTY AFTER NOTIFYING THE ANIMAL
2 CONTROL ADMINISTRATOR WHEN AND WHERE THE TRAPS WILL
3 BE SET.

- 4 (F) *VEHICLE ACCIDENTS INVOLVING ANIMALS.* A PERSON WHO INJURES OR
5 KILLS A DOMESTICATED ANIMAL WHILE DRIVING A VEHICLE SHALL:
6 (1) IF IT IS SAFE TO DO SO, STOP AT THE SCENE OF THE ACCIDENT
7 AND RENDER SUCH ASSISTANCE AS IS PRACTICABLE; AND
8 (2) MAKE A REASONABLE EFFORT TO LOCATE THE OWNER AND
9 INFORM THE OWNER OF THE ACCIDENT, OR NOTIFY THE ANIMAL
10 CONTROL ADMINISTRATOR OR POLICE DEPARTMENT OF THE
11 ACCIDENT AS SOON AS POSSIBLE.

12
13 **SECTION 17.308. DESTRUCTION OF ANIMALS.**

- 14 (A) *HUMANE DESTRUCTION.* WHEN AN ANIMAL IS DESTROYED UNDER THIS
15 SUBTITLE IT SHALL BE DESTROYED IN A HUMANE MANNER AND IN
16 ACCORDANCE WITH WRITTEN PROCEDURES ESTABLISHED BY THE
17 ADMINISTRATOR.

- 18 (B) *SUPERVISION.* EACH INDIVIDUAL RESPONSIBLE FOR DESTROYING
19 ANIMALS SHALL BE EXAMINED PERIODICALLY BY A SUPERVISOR OR
20 LICENSED VETERINARIAN TO ENSURE THAT THE PROCEDURES ARE
21 BEING CARRIED OUT IN A HUMANE MANNER.

- 22 (C) *DESTRUCTION.* THE ADMINISTRATOR MAY DESTROY AN ANIMAL WITH
23 THE CONSENT OF THE OWNER, OR WITHOUT THE CONSENT OF THE
24 OWNER:

- 25 (1) IMMEDIATELY IF A VETERINARIAN CONCURS AND THE ANIMAL
26 IS CRITICALLY ILL, IS CRITICALLY INJURED, OR HAS A
27 CONTAGIOUS DISEASE WHICH MAY INFECT ANIMALS OR
28 HUMANS;
29 (2) IMMEDIATELY AND WITHOUT THE CONCURRENCE OF A
30 VETERINARIAN IF THE ANIMAL IS DANGEROUS AND THE
31 IDENTITY OF ITS OWNER IS UNKNOWN;

- 1 (3) IF THE ADMINISTRATOR HAS MADE A REASONABLE EFFORT TO
2 IDENTIFY THE OWNER OF THE ANIMAL AND NOTIFY THE OWNER
3 OF THE ANIMAL'S CONDITION, OR THE OWNER IS UNABLE OR
4 UNWILLING TO PROVIDE FOR THE ANIMAL'S IMMEDIATE
5 TREATMENT;
- 6 (5) IF THE ANIMAL IS DEEMED ABANDONED UNDER SECTION 17.310
7 OF THIS SUBTITLE;
- 8 (6) IF THE ANIMAL IS NOT AVAILABLE FOR ADOPTION UNDER
9 SECTION 17.311 OF THIS SUBTITLE; AND
- 10 (7) IF THE ANIMAL HAS NOT BEEN ADOPTED WITHIN 5 DAYS OF
11 BEING DECLARED ABANDONED.
- 12 (D) *LIABILITY OF ANIMAL CONTROL ADMINISTRATOR.* THE ADMINISTRATOR
13 IS NOT LIABLE FOR IMMEDIATE DESTRUCTION OF AN ANIMAL, EVEN IF
14 THE ANIMAL'S OWNER IS LATER IDENTIFIED.
- 15 (E) *DESTRUCTION BY ORDER OF HEALTH OFFICER.* THE HEALTH OFFICER
16 MAY, UNDER THE HEALTH-GENERAL ARTICLE OF THE ANNOTATED
17 CODE OF MARYLAND, ORDER THE IMMEDIATE DESTRUCTION OF A
18 DISEASED ANIMAL.

19
20 **SECTION 17.309. ENFORCEMENT.**

- 21 (A) *GENERALLY.* THE ANIMAL CONTROL ADMINISTRATOR MAY TAKE
22 ENFORCEMENT ACTION BASED ON:
- 23 (1) PERSONAL OBSERVATION;
- 24 (2) THE OBSERVATION OF AN ANIMAL CONTROL OFFICER OR POLICE
25 OFFICER;
- 26 ~~(3) FOR A NUISANCE VIOLATION, 3 SWORN STATEMENTS FROM ONE~~
27 ~~OR MORE CITIZENS CONCERNING THEIR PERSONAL EXPERIENCE~~
28 ~~WITH AN ANIMAL, IF THE STATEMENTS:~~
- 29 ~~(1) ARE RECEIVED WITHIN 30 DAYS AFTER THE MOST RECENT~~
30 ~~INCIDENT; AND~~

1 ~~(II) — RELATE TO SEPARATE INCIDENTS THAT OCCURRED NOT~~
2 ~~LESS THAN 2 DAYS APART AND NOT MORE THAN 30 DAYS~~
3 ~~APART;~~

4 (3) FOR A NUISANCE VIOLATION OTHER THAN DISTURBING THE
5 PUBLIC PEACE, A SWORN STATEMENT FROM A CITIZEN
6 CONCERNING THE CITIZEN’S PERSONAL EXPERIENCE WITH THE
7 ANIMAL, IF THE STATEMENT IS RECEIVED WITHIN 30 DAYS
8 AFTER THE MOST RECENT INCIDENT;

9 (4) FOR A VIOLATION OF DISTURBING THE PUBLIC PEACE, A SWORN
10 STATEMENT FROM A CITIZEN CONCERNING 3 SEPARATE
11 INCIDENTS THAT OCCURRED NOT LESS THAN 2 DAYS APART AND
12 NOT MORE THAN 30 DAYS APART, IF THE STATEMENT IS
13 RECEIVED WITHIN 30 DAYS OF THE MOST RECENT INCIDENT;

14 (4~~5~~) FOR ALL OTHER TYPES OF VIOLATIONS, A SWORN STATEMENT
15 FROM A CITIZEN CONCERNING THE CITIZEN’S PERSONAL
16 EXPERIENCE WITH AN ANIMAL, IF THE STATEMENT IS RECEIVED
17 WITHIN 1 YEAR AND 1 DAY AFTER THE INCIDENT; AND

18 (5~~6~~) BITE REPORTS, ANIMAL CONTROL RECORDS, OR OTHER
19 DOCUMENTED INFORMATION.

20 (B) *ENFORCEMENT OPTIONS.* TO ENFORCE THIS SUBTITLE, THE ANIMAL
21 CONTROL ADMINISTRATOR MAY:

22 (1) ISSUE A CIVIL CITATION;

23 (2) ISSUE A CEASE AND DESIST ORDER;

24 (3) REQUIRE THAT AN OWNER TAKE MEASURES TO CONTROL AND
25 CONFINES AN ANIMAL;

26 (4) REQUIRE THAT AN OWNER TAKE MEASURES TO ABATE
27 CONDITIONS THAT CONSTITUTE A CRUEL OR NEGLECTFUL ACT;

28 (5) IMPOUND AN ANIMAL IN ACCORDANCE WITH SECTION 17.310 OF
29 THIS SUBTITLE;

30 (6) DESTROY AN ANIMAL; AND

- 1 (7) TAKE ANY OTHER ACTION NECESSARY TO ENFORCE THIS
2 SUBTITLE.
- 3 (C) *ENFORCEMENT BY POLICE OFFICER.* A HOWARD COUNTY POLICE
4 OFFICER MAY:
- 5 (1) ISSUE A CEASE AND DESIST ORDER OR A CIVIL CITATION, OR
6 BOTH, TO AN ANIMAL'S OWNER UPON OBSERVING:
- 7 (I) AN UNLICENSED DOG OR CAT;
- 8 (II) A NUISANCE OTHER THAN A DISTURBANCE OF THE PUBLIC
9 PEACE; OR
- 10 (III) A PERSON COMMITTING A CRUEL OR NEGLECTFUL ACT
11 AGAINST AN ANIMAL;
- 12 (2) IMPOUND A WILD OR EXOTIC ANIMAL KEPT IN VIOLATION OF
13 THIS SUBTITLE; AND
- 14 (3) KILL AN ANIMAL THAT IS AT LARGE IF THE ADMINISTRATOR
15 DETERMINES THAT THE ANIMAL:
- 16 (I) POSES AN IMMEDIATE THREAT TO A PERSON OR
17 DOMESTICATED ANIMAL;
- 18 (II) HAS BEEN DECLARED TO BE DANGEROUS OR A THREAT TO
19 PUBLIC SAFETY BY THE ADMINISTRATOR;
- 20 (III) CANNOT BE CAUGHT AND IMPOUNDED; AND
- 21 (IV) CANNOT BE TRANQUILIZED.
- 22 (4) THE COUNTY SHALL INCUR NO LIABILITY AS A RESULT OF THE
23 DEATH OR INJURY OF AN ANIMAL BASED ON THE
24 ADMINISTRATOR'S DECISION TO TRANQUILIZE OR KILL THE
25 ANIMAL.
- 26 (D) *NUISANCE ENFORCEMENT BY ADMINISTRATOR.* EXCEPT AS PROVIDED IN
27 SUBSECTION (E) OF THIS SECTION, THE ADMINISTRATOR SHALL
28 ENFORCE A NUISANCE VIOLATION AS FOLLOWS:
- 29 (1) *INFORMAL COMPLAINTS.* THE ADMINISTRATOR SHALL:
- 30 (I) SEND A NOTICE OF COMPLAINT TO AN ANIMAL OWNER
31 UPON RECEIPT FROM A PERSON OF AN INFORMAL

1 COMPLAINT OF A NUISANCE, IF THE PERSON PROVIDES
2 THE MAILING ADDRESS OF THE OWNER AND THE DATE,
3 TIME, LOCATION, AND NATURE OF THE ALLEGED
4 NUISANCE VIOLATION; AND
5 (II) IF THE COMPLAINANT REQUESTS, KEEP THE
6 COMPLAINANT'S IDENTITY CONFIDENTIAL;
7 (2) *FIRST VIOLATION.* THE ADMINISTRATOR MAY ISSUE A CEASE AND
8 DESIST ORDER, A CIVIL CITATION, AND RECOMMENDATIONS FOR
9 CONTROL AND CONFINEMENT MEASURES WHEN A NUISANCE
10 VIOLATION OCCURS;
11 (3) *SECOND VIOLATION.* IF AN OWNER'S ANIMAL COMMITS A
12 SUBSEQUENT NUISANCE VIOLATION WITHIN 24 MONTHS AFTER
13 COMMITTING A NUISANCE VIOLATION, THE ADMINISTRATOR:
14 (I) SHALL ISSUE AN ORDER REQUIRING THE OWNER TO TAKE
15 CONTROL AND CONFINEMENT MEASURES FOR THE
16 ANIMAL AND SPECIFYING A SCHEDULE FOR COMPLYING
17 WITH THE ORDER; AND
18 (II) MAY IMPOUND THE ANIMAL IF THE OWNER DOES NOT
19 COMPLY WITH THE ORDER WITHIN THE TIME SPECIFIED.
20 (4) *THIRD VIOLATION.* IF AN OWNER'S ANIMAL COMMITS A THIRD
21 NUISANCE VIOLATION WITHIN 24 MONTHS AFTER COMMITTING
22 A NUISANCE VIOLATION, THE ADMINISTRATOR MAY DECLARE
23 THE ANIMAL A NUISANCE IN ACCORDANCE WITH SECTION 17.302
24 OF THIS SUBTITLE.
25 (E) *DISTURBANCE OF THE PUBLIC PEACE ENFORCEMENT.*
26 NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION TO THE
27 CONTRARY, THE ADMINISTRATOR SHALL ENFORCE A DISTURBANCE
28 OF THE PUBLIC PEACE VIOLATION AS FOLLOWS:
29 (1) *FIRST VIOLATION.* THE ADMINISTRATOR MAY ISSUE A CIVIL
30 CITATION TO AN OWNER WHOSE ANIMAL DISTURBS THE PUBLIC
31 PEACE;

- 1 (2) *SECOND VIOLATION.* IF AN OWNER RECEIVES A SECOND
2 CITATION FOR ALLOWING AN ANIMAL TO DISTURB THE PUBLIC
3 PEACE, THE ADMINISTRATOR MAY RECOMMEND THAT THE
4 OWNER TAKE CONTROL AND CONFINEMENT MEASURES FOR THE
5 ANIMAL; AND
- 6 (3) *SUBSEQUENT VIOLATION.* IF AN OWNER’S ANIMAL RECEIVES A
7 THIRD CITATION FOR ALLOWING THE ANIMAL TO DISTURB THE
8 PUBLIC PEACE, THE ADMINISTRATOR:
- 9 (I) SHALL ISSUE AN ORDER REQUIRING THE OWNER TO TAKE
10 CONTROL AND CONFINEMENT MEASURES FOR THE
11 ANIMAL AND SPECIFYING A SCHEDULE FOR COMPLYING
12 WITH THE ORDER; AND
- 13 (II) MAY IMPOUND THE ANIMAL IF THE OWNER DOES NOT
14 COMPLY WITH THE ORDER WITHIN THE TIME SPECIFIED.
- 15 (F) *RIGHT OF ENTRY.*
- 16 (1) THE ANIMAL CONTROL ADMINISTRATOR MAY ENTER PRIVATE
17 PROPERTY OR PREMISES TO:
- 18 (I) INVESTIGATE POSSIBLE VIOLATIONS OF THIS SUBTITLE;
19 (II) IMPOUND ANIMALS UNDER THIS SUBTITLE; AND
20 (III) ENFORCE THIS SUBTITLE.
- 21 (2) IF THE OWNER, TENANT, OR OTHER OCCUPANT OF PRIVATE
22 PROPERTY OR PREMISES FAILS TO CONSENT TO OR INTERFERES
23 WITH THE RIGHT OF ENTRY OF THE ANIMAL CONTROL
24 ADMINISTRATOR, THE ADMINISTRATOR MAY APPLY FOR A
25 JUDICIAL ORDER PERMITTING ENTRY.

26

27 **SECTION 17.310. IMPOUNDMENT AND REDEMPTION.**

28 (A) *IMPOUNDMENT.*

- 29 (1) THE ADMINISTRATOR MAY IMPOUND:

- 1 (I) A DOG, CAT, OR FERRET WHOSE OWNER HAS FAILED TO
2 HAVE THE ANIMAL VACCINATED AGAINST RABIES WITHIN
3 7 DAYS AFTER BEING NOTIFIED TO DO SO;
- 4 (II) AN ANIMAL WHOSE OWNER HAS FAILED TO COMPLY WITH
5 CONTROL AND CONFINEMENT MEASURES ORDERED BY
6 THE ADMINISTRATOR WITHIN THE TIME SPECIFIED BY THE
7 ORDER;
- 8 (III) AN ANIMAL THAT HAS BEEN DECLARED A NUISANCE BY
9 THE ADMINISTRATOR, OR AN ANIMAL WHOSE OWNER
10 RECEIVES 3 CITATIONS FOR DISTURBING THE PUBLIC
11 PEACE IN A 24-MONTH PERIOD, IF THE CITATIONS HAVE
12 NOT BEEN APPEALED OR HAVE BEEN UPHELD ON APPEAL;
- 13 (IV) AN ANIMAL AT LARGE;
- 14 (V) AN ANIMAL DECLARED DANGEROUS OR POTENTIALLY
15 DANGEROUS BY THE ADMINISTRATOR OR BY ANOTHER
16 JURISDICTION;
- 17 (VI) AN ANIMAL DECLARED A THREAT TO PUBLIC SAFETY AND
18 WELFARE;
- 19 (VII) AN ANIMAL WHOSE HEALTH OR SAFETY IS ENDANGERED
20 THROUGH ITS OWNER'S CRUELTY OR NEGLECT;
- 21 (VIII) A WILD OR EXOTIC ANIMAL KEPT IN VIOLATION OF THIS
22 SUBTITLE;
- 23 (IX) AN ANIMAL ADOPTED FROM THE COUNTY SHELTER BUT
24 WHICH HAS NOT BEEN SPAYED OR NEUTERED WITHIN THE
25 PERIOD REQUIRED BY THE ADMINISTRATOR; AND
- 26 (X) AN ANIMAL ADOPTED FROM THE COUNTY SHELTER
27 WHOSE OWNER HAS NOT COMPLIED WITH THE TERMS OF
28 THE ADOPTION AGREEMENT.
- 29 (B) IF AN ANIMAL IS IMPOUNDED AND THE OWNER DOES NOT PROVIDE
30 CONTROL AND CONFINEMENT MEASURES IN ACCORDANCE WITH THE
31 SCHEDULE ESTABLISHED BY THE ADMINISTRATOR, THE ANIMAL

1 SHALL BE CONSIDERED ABANDONED AND SHALL BE DISPOSED OF
2 UNDER THIS SUBTITLE.

3 (C) *LOCATION.* THE ADMINISTRATOR SHALL DETERMINE THE PLACE OF AN
4 ANIMAL'S IMPOUNDMENT AND MAY, AT THE REQUEST AND EXPENSE
5 OF THE ANIMAL'S OWNER, IMPOUND THE ANIMAL IN A PRIVATE
6 KENNEL OR VETERINARIAN'S FACILITY. THE OWNER OF THE KENNEL
7 OR VETERINARIAN'S FACILITY SHALL NOT RELEASE THE ANIMAL
8 FROM IMPOUNDMENT WITHOUT PERMISSION OF THE ADMINISTRATOR.

9 (D) *NOTICE.* IF THE ADMINISTRATOR IMPOUNDS AN ANIMAL WITHOUT
10 FIRST NOTIFYING THE OWNER, THE ADMINISTRATOR SHALL MAKE A
11 PROMPT AND REASONABLE EFFORT TO NOTIFY THE OWNER OF THE
12 IMPOUNDMENT, THE REASON FOR THE IMPOUNDMENT, AND THE
13 CONDITIONS THE OWNER MUST MEET IN ORDER TO REDEEM THE
14 ANIMAL.

15 (E) *REDEMPTION.*

16 (1) *GENERAL REQUIREMENTS.* THE OWNER OF AN IMPOUNDED
17 ANIMAL MAY REDEEM THE ANIMAL BY:

18 (I) SATISFYING THE CONDITIONS ESTABLISHED BY THE
19 ADMINISTRATOR FOR THE ANIMAL, INCLUDING ANY
20 CONTROL AND CONFINEMENT MEASURES;

21 (II) PAYING ALL FINES AND PENALTIES DUE;

22 (III) PAYING THE REDEMPTION FEE;

23 (IV) PAYING ALL CHARGES FOR SHELTER AND BOARD OF THE
24 ANIMAL DURING IMPOUNDMENT, INCLUDING ANY
25 EXTRAORDINARY CHARGES INCURRED BY THE COUNTY IN
26 IMPOUNDING, TRANSPORTING, FEEDING, TREATING, AND
27 SHELTERING THE ANIMAL;

28 (V) PROVIDING PROOF OF OWNERSHIP OF THE ANIMAL;

29 (VI) MEETING THE LICENSING REQUIREMENTS OF THIS
30 SUBTITLE;

- 1 (VII) PROVIDING PROOF THAT THE ANIMAL IS VACCINATED FOR
2 RABIES; AND
- 3 (VIII) MEETING ANY OTHER REDEMPTION REQUIREMENTS OF
4 THIS SUBTITLE THAT APPLY TO THE ANIMAL.
- 5 (2) *RABIES*. THE OWNER OF A DOG, CAT, OR FERRET IMPOUNDED FOR
6 FAILURE OF THE OWNER TO VACCINATE THE ANIMAL FOR
7 RABIES MAY REDEEM THE ANIMAL WHEN THE ANIMAL HAS
8 BEEN VACCINATED AGAINST RABIES.
- 9 (3) *WILD OR EXOTIC ANIMALS*. THE OWNER OF AN IMPOUNDED WILD
10 OR EXOTIC ANIMAL MAY REDEEM THE ANIMAL IF THE
11 ADMINISTRATOR IS SATISFIED THAT THE OWNER HAS DEFINITE
12 INTENTIONS TO IMMEDIATELY REMOVE THE ANIMAL FROM THE
13 COUNTY, OR HAS RECEIVED THE REQUIRED STATE AND
14 FEDERAL PERMITS TO LEGALLY POSSESS THE ANIMAL.
- 15 (F) *ANIMAL PERMANENTLY IMPOUNDED*. AN ANIMAL ORDERED
16 PERMANENTLY IMPOUNDED MAY BE DISPOSED OF IN THE SAME
17 MANNER AS AN ANIMAL ABANDONED BY ITS OWNER.
- 18 (G) *CARE OF INJURED ANIMALS*. EXCEPT AS PROVIDED IN SECTION 17.306 OF
19 THIS SUBTITLE, WHEN THE ADMINISTRATOR OR A HOWARD COUNTY
20 POLICE OFFICER HAS AN INJURED DOMESTICATED ANIMAL WHOSE
21 OWNER IS UNKNOWN, THE ADMINISTRATOR OR OFFICER SHALL TAKE
22 THE ANIMAL TO A VETERINARIAN OR ANIMAL HOSPITAL UNDER
23 CONTRACT TO THE COUNTY WHERE IT SHALL BE CARED FOR UNTIL ITS
24 CONDITION WARRANTS ITS RETURN TO THE ANIMAL CONTROL
25 FACILITY OR DISPOSITION. IN AN EMERGENCY, THE ANIMAL MAY BE
26 TAKEN TO THE NEAREST VETERINARIAN.
- 27 (H) *LIABILITY*.
- 28 (1) THE COUNTY IS NOT LIABLE IF AN IMPOUNDED ANIMAL
29 BECOMES SICK OR DIES DURING IMPOUNDMENT, OR DIES AFTER
30 ROUTINE CARE OR OTHER CARE PRESCRIBED BY A
31 VETERINARIAN.

- 1 (2) THE ANIMAL CONTROL ADMINISTRATOR IS NOT LIABLE FOR
2 ANY INJURIES SUSTAINED BY AN ANIMAL AS A RESULT OF
3 IMPOUNDMENT, TRANSPORT, AND HANDLING OF AN
4 IMPOUNDED ANIMAL.
- 5 (I) *ANIMAL DEEMED ABANDONED.* AN ANIMAL IS DEEMED TO HAVE BEEN
6 ABANDONED WHEN:
- 7 (1) THE ANIMAL IS IMPOUNDED, ITS OWNER IS NOT KNOWN, AND
8 THE ANIMAL HAS NOT BEEN REDEEMED WITHIN 3 WORKING
9 DAYS OF IMPOUNDMENT;
- 10 (2) THE ANIMAL IS IMPOUNDED FOR BEING AT LARGE AND HAS NOT
11 BEEN REDEEMED WITHIN 3 WORKING DAYS;
- 12 (3) THE ANIMAL IS IMPOUNDED BECAUSE THE OWNER HAS NOT
13 COMPLIED WITH AN ORDER OF QUARANTINE FOR THE ANIMAL
14 AND HAS NOT REDEEMED THE ANIMAL WITHIN 3 WORKING
15 DAYS OF NOTICE THAT THE ANIMAL MAY BE RELEASED;
- 16 (4) THE ANIMAL IS WILD OR EXOTIC AND HAS NOT BEEN RETURNED
17 TO ITS OWNER WITHIN 3 WORKING DAYS OF NOTICE OF
18 IMPOUNDMENT;
- 19 (5) THE ANIMAL IS A STRAY REPORTED TO THE ANIMAL CONTROL
20 DIVISION AND HAS NOT BEEN RECLAIMED BY ITS OWNER
21 WITHIN 30 DAYS OF THE REPORT;
- 22 (6) THE ANIMAL IS PERMANENTLY IMPOUNDED AND THE OWNER
23 HAS NOT APPEALED THE IMPOUNDMENT, OR THE IMPOUNDMENT
24 HAS BEEN UPHOLD ON APPEAL;
- 25 (7) THE ANIMAL HAS BEEN ADOPTED FROM THE ANIMAL CONTROL
26 FACILITY AND HAS BEEN PERMANENTLY IMPOUNDED BY THE
27 ANIMAL CONTROL ADMINISTRATOR FOR FAILURE TO HAVE THE
28 ANIMAL SPAYED OR NEUTERED;
- 29 (8) THE ANIMAL IS IMPOUNDED AS A THREAT TO PUBLIC SAFETY
30 AND WELFARE AND HAS NOT BEEN REDEEMED;

- 1 (9) THE ANIMAL IS IMPOUNDED AS A DANGEROUS ANIMAL AND HAS
2 NOT BEEN REDEEMED;
- 3 (10) THE ANIMAL IS IMPOUNDED AS A RESULT OF CRUEL OR
4 NEGLECTFUL ACTS AND HAS NOT BEEN REDEEMED;
- 5 (11) THE ANIMAL IS IMPOUNDED FOR FAILURE TO VACCINATE FOR
6 RABIES AND HAS NOT BEEN REDEEMED;
- 7 (12) THE ANIMAL IS IMPOUNDED AS A NUISANCE ANIMAL AND HAS
8 NOT BEEN REDEEMED;
- 9 (13) THE ANIMAL HAS BEEN SPAYED OR NEUTERED AT A CLINIC
10 CONTRACTED FOR BY THE COUNTY, AND THE OWNER HAS NOT
11 RETRIEVED THE ANIMAL WITHIN 3 WORKING DAYS OF THE DATE
12 SPECIFIED BY THE CLINIC;
- 13 (14) THE ANIMAL IS GIVEN UP AND LEFT AT THE ANIMAL CONTROL
14 FACILITY BY ITS OWNER;
- 15 (15) THE ANIMAL WAS ADOPTED FROM THE COUNTY SHELTER AND IS
16 IMPOUNDED BECAUSE ITS OWNER HAS NOT COMPLIED WITH THE
17 TERMS OF THE ADOPTION AGREEMENT; OR
- 18 (16) THE ANIMAL IS IMPOUNDED UNDER THIS SUBTITLE FOR ANY
19 OTHER REASON AND HAS NOT BEEN REDEEMED.
20

21 **SECTION 17.311. ADOPTION.**

- 22 (A) *ADOPTION.* AT THE DISCRETION OF THE ADMINISTRATOR AN
23 ABANDONED ANIMAL MAY BE MADE AVAILABLE FOR ADOPTION.
- 24 (B) *ADOPTION EXCEPTIONS.* AN ANIMAL IS AVAILABLE FOR ADOPTION
25 IMMEDIATELY UPON BEING DECLARED ABANDONED, EXCEPT:
- 26 (1) AN ANIMAL THE ADMINISTRATOR BELIEVES IS UNSAFE;
- 27 (2) A WILD OR EXOTIC ANIMAL;
- 28 (3) AN ANIMAL THAT HAS BEEN DECLARED DANGEROUS OR
29 POTENTIALLY DANGEROUS;
- 30 (4) AN ANIMAL A VETERINARIAN HAS FOUND TO BE TOO
31 UNHEALTHY FOR ADOPTION OR SUFFERING FROM A

- 1 CONTAGIOUS DISEASE THAT MAKES THE ANIMAL UNSUITABLE
2 FOR ADOPTION;
- 3 (5) AN ANIMAL IMPOUNDED FOR BEING A THREAT TO PUBLIC
4 SAFETY AND WELFARE, DECLARED TO BE A THREAT TO PUBLIC
5 SAFETY AND WELFARE, OR WHOSE OWNER HAS BEEN CITED FOR
6 THE ANIMAL BEING A THREAT TO PUBLIC SAFETY AND
7 WELFARE; AND
- 8 (6) AN ANIMAL THE ADMINISTRATOR BELIEVES IS TOO YOUNG FOR
9 ADOPTION.
- 10 (C) *PERSONS NOT ELIGIBLE TO ADOPT.* THE FOLLOWING PERSONS ARE NOT
11 ELIGIBLE TO ADOPT AN ANIMAL UNLESS THE ANIMAL MATTERS
12 HEARING BOARD PERMITS THEM TO DO SO UPON APPEAL:
- 13 (1) A PERSON WITH 2 OR MORE PAID OR UPHOLD CIVIL CITATIONS
14 ISSUED UNDER THIS SUBTITLE IN THE PREVIOUS 24 MONTHS;
- 15 (2) A PERSON WHO HAS BEEN FOUND GUILTY OF CRUEL OR
16 NEGLECTFUL ACTS;
- 17 (3) A PERSON WHO HAS BEEN FOUND GUILTY OF IMPROPERLY
18 CONFINING OR CONTROLLING A DANGEROUS ANIMAL;
- 19 (4) A PERSON WHO HAS NOT COMPLIED WITH AN ORDER OF THE
20 BOARD ISSUED AFTER A MANDATORY HEARING OF THE BOARD;
- 21 (5) A PERSON WHO, IN THE OPINION OF THE ADMINISTRATOR, WILL
22 NOT OR CANNOT PROPERLY CARE FOR AN ANIMAL; AND
- 23 (6) A PERSON WHO HAS NOT COMPLIED WITH THE SPAYING AND
24 NEUTERING PROVISIONS OF THIS SUBTITLE IN THE PRIOR
25 ADOPTION OF AN ANIMAL.
- 26 (D) *SPAYING/NEUTERING OF ADOPTED ANIMALS.*
- 27 (1) WITHIN A PERIOD TO BE SPECIFIED BY THE ADMINISTRATOR,
28 DEPENDING ON THE AGE, SEX, HEALTH, AND SPECIES OF THE
29 ANIMAL, AN ADOPTED ANIMAL SHALL BE SPAYED OR NEUTERED
30 BY A LICENSED VETERINARIAN AT THE EXPENSE OF THE
31 ADOPTER.

1 (2) THE ADMINISTRATOR MAY ISSUE AN ADOPTER A CEASE AND
2 DESIST ORDER AND A CIVIL CITATION FOR FAILURE TO SPAY OR
3 NEUTER AN ADOPTED ANIMAL WITHIN THE SPECIFIED PERIOD.
4 THE ADMINISTRATOR SHALL RESCIND THE CEASE AND DESIST
5 ORDER AND CIVIL CITATION IF THE ADOPTER RETURNS THE
6 ADOPTED ANIMAL TO THE ANIMAL CONTROL FACILITY OR
7 PROVIDES PROOF THAT THE ANIMAL HAS BEEN SPAYED OR
8 NEUTERED PRIOR TO THE PAYMENT DUE DATE SPECIFIED ON
9 THE CITATION. EACH MONTH THE VIOLATION CONTINUES IS A
10 SEPARATE OFFENSE.

11 (E) *APPEAL.* A PERSON DENIED ADOPTION OF AN ANIMAL UNDER
12 SUBSECTION (C) OF THIS SECTION MAY APPEAL THE DECISION TO THE
13 ANIMAL MATTERS HEARING BOARD WITHIN 3 DAYS OF THE DENIAL.
14 THE ADMINISTRATOR IS NOT REQUIRED TO HOLD THE ANIMAL FOR
15 WHICH ADOPTION WAS DENIED WHILE THE DENIAL IS APPEALED.

16 (F) *LIABILITY.* HOWARD COUNTY SHALL NOT BE LIABLE FOR ANY
17 EXPENSES INCURRED BY AN ADOPTER OF AN ANIMAL FOR THE
18 TREATMENT OF INJURIES OR ILLNESSES OF THE ANIMAL WHICH
19 EXISTED PRIOR TO OR OCCURRED AFTER ADOPTION.

20 (G) *DISPOSITION OF ANIMALS NOT ADOPTED.*

21 (1) NO ANIMAL MAY BE SOLD OR GIVEN UP FOR COMMERCIAL OR
22 EXPERIMENTAL PURPOSES.

23 (2) WILD AND EXOTIC ANIMALS MAY BE RELEASED TO A SUITABLE
24 HABITAT OR TO A SUITABLE CARE FACILITY SUCH AS A HUMANE
25 SOCIETY SHELTER, ZOO, OR SANCTUARY.

26 (3) ANIMALS WHICH ARE DECLARED ABANDONED MAY BE
27 DESTROYED IN ACCORDANCE WITH SECTION 17.308 OF THIS
28 SUBTITLE.

29

30 **SECTION 17.312. ANIMAL CONTROL DIVISION.**

- 1 A) *ADMINISTRATION.* EXCEPT FOR THE LICENSING PROVISIONS
2 ADMINISTERED BY THE DEPARTMENT OF INSPECTIONS, LICENSES AND
3 PERMITS, THE ANIMAL CONTROL DIVISION SHALL ADMINISTER THIS
4 SUBTITLE UNDER THE DIRECTION OF THE CHIEF OF POLICE.
- 5 (B) *ANIMAL CONTROL DIVISION.* GENERAL PROVISIONS REGARDING THE
6 DIVISION ARE SET FORTH IN SUBTITLE 2, "ADMINISTRATIVE
7 DEPARTMENTS AND OFFICES," OF TITLE 6, "COUNTY EXECUTIVE AND
8 THE EXECUTIVE BRANCH," OF THE HOWARD COUNTY CODE.
- 9 (C) *ADMINISTRATOR.* THE ANIMAL CONTROL ADMINISTRATOR SHALL BE
10 THE HEAD OF THE ANIMAL CONTROL DIVISION. THE CHIEF OF POLICE
11 SHALL EXERCISE GENERAL SUPERVISION OF THE OF ANIMAL CONTROL
12 DIVISION.
- 13 (D) *ADMINISTRATOR'S QUALIFICATIONS.* THE ANIMAL CONTROL
14 ADMINISTRATOR SHALL HAVE:
- 15 (1) CONSIDERABLE KNOWLEDGE OF THE CARE, HANDLING,
16 FEEDING, AND CHARACTERISTICS OF DOMESTIC ANIMALS;
17 (2) CONSIDERABLE KNOWLEDGE OF THE LOCAL AND STATE LAWS
18 GOVERNING ANIMAL PROTECTION AND CONTROL; AND
19 (3) AT LEAST 5 YEARS OF EXPERIENCE IN BUSINESS OR PUBLIC
20 ADMINISTRATION, INCLUDING 2 YEARS IN ANIMAL CONTROL
21 WORK, AND AT LEAST 2 YEARS OF MANAGERIAL OR
22 SUPERVISORY EXPERIENCE.
- 23 (E) *ADMINISTRATOR'S DUTIES.* THE ANIMAL CONTROL ADMINISTRATOR
24 SHALL:
- 25 (1) SERVE AS EXECUTIVE SECRETARY TO THE ANIMAL MATTERS
26 HEARING BOARD;
27 (2) ADMINISTER AND ENFORCE THE ANIMAL CONTROL LAWS;
28 (3) MAINTAIN RECORDS OF MICROCHIP IDENTIFICATION NUMBERS
29 CROSS-REFERENCED TO THE ANIMAL LICENSE FILES;
30 (4) MAINTAIN RECORDS OF RABIES VACCINATIONS CROSS-
31 REFERENCED TO THE ANIMAL LICENSE FILES;

- 1 (5) ADMINISTER THE ANIMAL CONTROL FACILITY;
- 2 (6) SUPERVISE THE ANIMAL CONTROL OFFICERS AND OTHER
- 3 EMPLOYEES OF THE ANIMAL CONTROL DIVISION;
- 4 (7) ADOPT WRITTEN REGULATIONS NECESSARY TO IMPLEMENT
- 5 THIS SUBTITLE; AND
- 6 (8) PERFORM SUCH OTHER FUNCTIONS AS MAY BE PRESCRIBED BY
- 7 DIRECTIVE OF THE COUNTY EXECUTIVE OR BY LAW.

8

9 **SECTION 17.313. NOTIFICATION PROCEDURES.**

- 10 (A) NOTIFICATION REQUIRED BY THIS SUBTITLE SHALL BE MADE AS
- 11 PROVIDED IN THIS SUBSECTION.
- 12 (B) *BY MAIL.* IF A NOTIFICATION REQUIRED BY THIS SUBTITLE IS MADE BY
- 13 MAILING A NOTICE, THE NOTICE IS ADEQUATE IF IT IS DELIVERED TO A
- 14 U.S. POST OFFICE FOR DELIVERY OR IS DEPOSITED IN A MAILBOX OR
- 15 OTHER MAIL RECEPTACLE REGULARLY SERVICED BY THE U.S. POSTAL
- 16 SERVICE.
- 17 (C) *NOTICE OF IMPOUNDMENT.* THE ANIMAL CONTROL ADMINISTRATOR
- 18 SHALL GIVE AN OWNER OF AN IMPOUNDED ANIMAL NOTICE OF THE
- 19 IMPOUNDMENT BY:
 - 20 (1) PLACING A TELEPHONE CALL TO THE OWNER;
 - 21 (2) DELIVERING THE NOTICE DIRECTLY TO THE OWNER;
 - 22 (3) LEAVING THE NOTICE AT:
 - 23 (I) THE OWNER'S USUAL OR LAST-KNOW ADDRESS;
 - 24 (II) THE ADDRESS GIVEN ON THE ANIMAL'S COLLAR OR
 - 25 MICROCHIP; OR
 - 26 (III) THE ADDRESS INDICATED IN THE LICENSING RECORDS
 - 27 MAINTAINED BY THE DEPARTMENT; OR
 - 28 (4) MAILING THE NOTICE TO:
 - 29 (I) THE PERSON'S USUAL OR LAST-KNOWN ADDRESS;
 - 30 (II) THE ADDRESS GIVEN ON THE ANIMAL'S COLLAR OR
 - 31 MICROCHIP; OR

- 1 (III) THE ADDRESS INDICATED IN THE LICENSING RECORDS
2 MAINTAINED BY THE DEPARTMENT.
- 3 (D) *NOTIFICATION OF INTENT TO IMMEDIATELY DESTROY ANIMAL.* WHEN THE
4 ANIMAL CONTROL ADMINISTRATOR INTENDS TO IMMEDIATELY
5 DESTROY AN ANIMAL, THE ADMINISTRATOR SHALL GIVE NOTICE TO
6 THE ANIMAL'S OWNER BY:
- 7 (1) PLACING A TELEPHONE CALL TO THE OWNER; OR
8 (2) VERBALLY NOTIFYING THE OWNER IN PERSON.
- 9 (E) *OTHER NOTIFICATIONS.* EXCEPT AS OTHERWISE PROVIDED IN THIS
10 SUBTITLE, NOTIFICATIONS NECESSARY TO SATISFY OTHER
11 REQUIREMENTS OF THIS SUBTITLE MAY BE MADE BY:
- 12 (1) DELIVERING THE NOTICE DIRECTLY TO THE OWNER; OR
13 (2) MAILING THE NOTICE TO OR POSTING THE NOTICE AT:
- 14 (I) THE OWNER'S USUAL OR LAST-KNOW ADDRESS;
15 (II) THE ADDRESS GIVEN ON THE ANIMAL'S COLLAR OR
16 MICROCHIP; OR
17 (III) THE ADDRESS INDICATED IN THE LICENSING RECORDS
18 MAINTAINED BY THE DEPARTMENT.

19
20 **SECTION 17.314. CONTRACTUAL SERVICES.**

- 21 (A) *REMOVAL OF DEAD ANIMALS.* THE CHIEF OF POLICE MAY CONTRACT
22 FOR THE COLLECTION AND DISPOSAL OF DEAD ANIMALS FROM
23 COUNTY PROPERTY AND RIGHTS-OF-WAY. IF THE ANIMAL'S OWNER IS
24 KNOWN, THE ANIMAL CONTROL ADMINISTRATOR MAY NOTIFY THE
25 OWNER TO ARRANGE FOR PROMPT DISPOSITION OF THE ANIMAL. IF
26 THE ANIMAL IS COLLECTED AND DISPOSED OF BY THE COUNTY, THE
27 OWNER SHALL BE NOTIFIED THAT THE ANIMAL HAS BEEN DISPOSED
28 OF. THE OWNER MAY BE HELD LIABLE TO THE COUNTY FOR THE COST
29 OF COLLECTION AND DISPOSAL.
- 30 (B) *SPAYING AND NEUTERING CLINIC.*

- (1) *COUNTY CLINIC.* THE CHIEF OF POLICE MAY ESTABLISH A CLINIC AT WHICH CITIZENS MAY HAVE DOGS AND CATS SPAYED OR NEUTERED BY A LICENSED VETERINARIAN. THE CHIEF OF POLICE MAY CONTRACT FOR SPAYING AND NEUTERING SERVICES TO BE PERFORMED BY LICENSED VETERINARIANS AT THEIR OWN PLACES OF BUSINESS.
- (2) *MEDICAL CARE.* THE SPAYING AND NEUTERING SHALL BE PERFORMED IN A HUMANE MANNER. EACH ANIMAL TO BE SPAYED SHALL RECEIVE A PRE-SURGICAL EXAMINATION BY THE LICENSED VETERINARIAN. THE ANIMAL SHALL RECEIVE A RABIES VACCINATION IF PROOF OF A CURRENT VACCINATION CANNOT BE PROVIDED BY THE OWNER.
- (3) *FEES.* THE FEE FOR NEUTERING OR SPAYING SHALL BE DETERMINED BY THE CHIEF OF POLICE. IF A RABIES VACCINATION IS NECESSARY, A SEPARATE FEE SHALL BE ASSESSED.
- (4) *OWNERSHIP CONSENT.* THE OWNER OF THE ANIMAL SHALL CERTIFY OWNERSHIP OR AUTHORITY TO SEEK THE SERVICE AND SHALL SIGN A CONSENT TO THE SURGERY.
- (5) *RETRIEVAL OF ANIMAL.* THE OWNER SHALL RETRIEVE THE ANIMAL ON A DATE SPECIFIED BY THE CLINIC. FAILURE TO RETRIEVE THE ANIMAL ON THE DATE SPECIFIED MAY RESULT IN AN ADDITIONAL CHARGE FOR BOARD. ANY ANIMAL NOT RETRIEVED WITHIN 3 WORKING DAYS AFTER THE SPECIFIED DATE SHALL BE DEEMED TO BE ABANDONED.

SECTION 17.315. INTERFERING WITH ENFORCEMENT.

- (A) *PREVENTION OF ENFORCEMENT.* A PERSON SHALL NOT PREVENT, ATTEMPT TO PREVENT, OR THREATEN TO PREVENT THE ANIMAL CONTROL ADMINISTRATOR, AN ANIMAL CONTROL OFFICER, OR A POLICE OFFICER FROM ENFORCING THIS SUBTITLE.

1 (B) *CONCEALMENT; DENIAL OF OWNERSHIP.* A PERSON SHALL NOT
2 CONCEAL A DOMESTICATED ANIMAL, A WILD ANIMAL, OR AN EXOTIC
3 ANIMAL FROM THE ANIMAL CONTROL ADMINISTRATOR, OR FALSELY
4 DENY OWNERSHIP OF ANY ANIMAL.

5 (C) *INFORMATION TO ENFORCE THIS SUBTITLE.* A PERSON SHALL NOT
6 PROVIDE FALSE INFORMATION OR REFUSE TO PROVIDE REQUESTED
7 INFORMATION TO THE ANIMAL CONTROL OFFICER, THE HEALTH
8 OFFICER, OR A POLICE OFFICER WHEN THE INFORMATION IS REQUIRED
9 TO ENFORCE THIS SUBTITLE.

10

11 **SECTION 17.316. REPORTING ANIMAL BITES; INVESTIGATION.**

12 (A) *REPORT REQUIRED.* THE FOLLOWING INDIVIDUALS AND AGENCIES
13 SHALL REPORT ALL BITES, INJURIES, AND ATTACKS BY ANIMALS ON
14 HUMANS TO THE HEALTH DEPARTMENT OR ANIMAL CONTROL
15 DIVISION:

16 (1) THE OWNER OF AN ANIMAL THAT HAS ATTACKED, BITTEN, OR
17 INJURED A HUMAN; AND

18 (2) A HOSPITAL, PHYSICIAN, OR OTHER HEALTH CARE PROVIDER
19 WHO HAS TREATED A BITE OR INJURY INFLICTED BY AN ANIMAL
20 ON A HUMAN.

21 (B) *REPORTING REQUIREMENTS.* WHEN A REPORT IS REQUIRED BY THIS
22 SECTION, THE REPORT SHALL BE MADE WITHIN THE FOLLOWING
23 TIMES:

24 (I) AN ATTACK, INJURY, OR BITES SHALL BE REPORTED NO
25 LATER THAN 1 BUSINESS DAY FOLLOWING THE
26 OCCURRENCE OR TREATMENT.

27 (II) WHEN THE HEALTH DEPARTMENT RECEIVES A REPORT OF
28 AN INCIDENT IN WHICH AN ANIMAL HAS BITTEN OR
29 INJURED A HUMAN OR A DOMESTICATED ANIMAL, IT
30 SHALL NOTIFY THE ANIMAL CONTROL ADMINISTRATOR
31 WITHIN 24 HOURS AFTER RECEIVING THE REPORT AND

1 SHALL SEND THE ADMINISTRATOR ALL COMPLAINTS AND
2 SUPPORTING INFORMATION REGARDING THE INCIDENT.

3 (III) WHEN THE POLICE DEPARTMENT RECEIVES A REPORT OF
4 AN INCIDENT IN WHICH AN ANIMAL HAS BITTEN OR
5 INJURED A HUMAN OR A DOMESTICATED ANIMAL, IT
6 SHALL NOTIFY THE ANIMAL CONTROL ADMINISTRATOR
7 WITHIN 24 HOURS AFTER RECEIVING THE REPORT AND, IF
8 A BITE OR INJURY IS INVOLVED, SHALL NOTIFY THE
9 HEALTH OFFICER WITHIN 24 HOURS. THE POLICE
10 DEPARTMENT SHALL SEND THE ADMINISTRATOR AND THE
11 HEALTH OFFICER ALL COMPLAINTS AND SUPPORTING
12 INFORMATION REGARDING THE INCIDENT.

13 (IV) WHEN THE ANIMAL CONTROL DIVISION RECEIVES A
14 REPORT OF AN INCIDENT IN WHICH AN ANIMAL HAS
15 BITTEN OR INJURED A HUMAN BEING OR A
16 DOMESTICATED ANIMAL, IT SHALL NOTIFY THE HEALTH
17 OFFICER WITHIN 24 HOURS AFTER RECEIVING THE REPORT.

18 (C) *INVESTIGATION OF INCIDENTS.* THE ADMINISTRATOR SHALL REVIEW
19 ALL REPORTS OF INCIDENTS IN WHICH AN ANIMAL HAS ATTACKED,
20 BITTEN, OR INJURED A HUMAN BEING OR A DOMESTICATED ANIMAL,
21 MAY INVESTIGATE THE INCIDENT AND, IF NECESSARY, TAKE
22 ENFORCEMENT MEASURES CONSISTENT WITH THIS SUBTITLE.

23

24 **SECTION 17.317. QUARANTINE.**

25 (A) *QUARANTINE.* IF THE HEALTH OFFICER QUARANTINES AN ANIMAL, OR
26 IF THE ADMINISTRATOR QUARANTINES AN ANIMAL UNDER
27 AUTHORITY DELEGATED BY THE HEALTH OFFICER, THE PROVISIONS
28 OF THIS SECTION APPLY.

29 (B) *RELEASE.* A QUARANTINED ANIMAL MAY NOT BE RELEASED FROM
30 QUARANTINE, SOLD, GIVEN AWAY, OR OTHERWISE DISPOSED OF UNTIL
31 A HEALTH DEPARTMENT REPRESENTATIVE OR A VETERINARIAN HAS

1 EXAMINED THE ANIMAL AND FOUND IT FREE OF RABIES. WITHIN 24
2 HOURS AFTER EXAMINING A QUARANTINED ANIMAL FOR RABIES, THE
3 VETERINARIAN SHALL REPORT THE RESULTS OF THE EXAMINATION TO
4 THE HEALTH OFFICER.

5 (C) *QUARANTINE AFTER BITE OR INJURY.* IF THE HEALTH OFFICER
6 QUARANTINES AN ANIMAL AFTER THE ANIMAL HAS BITTEN OR
7 INJURED A HUMAN, THE ANIMAL SHALL BE QUARANTINED UNDER THE
8 FOLLOWING CONDITIONS:

9 (1) THE ADMINISTRATOR MAY REQUIRE THAT THE ANIMAL BE
10 IMPOUNDED FOR THE QUARANTINE PERIOD;

11 (2) IF THE ANIMAL IS NOT IMPOUNDED FOR THE QUARANTINE
12 PERIOD:

13 (I) QUARANTINE SHALL BE AT A LOCATION APPROVED BY
14 THE ADMINISTRATOR; AND

15 (II) IF THE ANIMAL'S OWNER MEETS CONDITIONS
16 ESTABLISHED JOINTLY BY THE ADMINISTRATOR AND THE
17 HEALTH OFFICER THAT PROTECT THE PUBLIC AND OTHER
18 ANIMALS FROM EXPOSURE TO THE ANIMAL, THE ANIMAL
19 MAY BE QUARANTINED ON THE OWNER'S PROPERTY.

20 (D) *IMPOUNDMENT OF ANIMAL NOT KEPT QUARANTINED.* IF THE
21 ADMINISTRATOR DETERMINES THAT AN ANIMAL HAS NOT BEEN KEPT
22 QUARANTINED IN ACCORDANCE WITH THIS SECTION, THE
23 ADMINISTRATOR MAY IMPOUND THE ANIMAL UNTIL IT IS RELEASED
24 FROM QUARANTINE BY THE HEALTH OFFICER.

25
26 **SECTION 17.318. CIVIL PENALTIES FOR VIOLATIONS.**

27 (A) *CIVIL CITATIONS.* THE ANIMAL CONTROL ADMINISTRATOR MAY ISSUE A
28 CIVIL CITATION TO A PERSON WHO VIOLATES THIS SUBTITLE.

29 (B) *RIGHT TO APPEAL.* A PERSON WHO RECEIVES A CIVIL CITATION UNDER
30 THIS SUBTITLE MAY APPEAL THE CITATION TO THE ANIMAL MATTERS
31 HEARING BOARD WITHIN 15 DAYS OF RECEIVING THE CITATION.

- 1 (C) *BOARD ACTION.* WHEN A CIVIL CITATION IS APPEALED TO THE BOARD,
2 THE BOARD MAY:
- 3 (1) AFFIRM THE CITATION;
4 (2) REVERSE THE CITATION;
5 (3) AFFIRM THE CITATION AND REDUCE THE AMOUNT OF THE FINE
6 IMPOSED FOR VIOLATIONS OF ANY SECTION EXCEPT SECTION
7 17.303 OF THIS SUBTITLE; OR
8 (4) FOR A VIOLATION OF SECTION 17.303 OF THIS SUBTITLE, AFFIRM
9 THE CITATION AND WAIVE THE FINE IF THE OWNER AGREES TO
10 DESTRUCTION OF THE ANIMAL.
- 11 (D) *COLLECTION; DATE PAYABLE.* A CIVIL FINE IMPOSED UNDER THIS
12 SUBTITLE SHALL BE PAYABLE TO AND COLLECTED BY THE DIRECTOR
13 OF FINANCE OF HOWARD COUNTY WITHIN ~~45~~30 DAYS OF IMPOSITION.
14 IF THE OWNER OF THE ANIMAL, RESIDENCE, OR FACILITY APPEALS THE
15 CIVIL CITATION, THE DUE DATE OF THE FINE SHALL BE EXTENDED TO
16 30 DAYS AFTER A DECISION OF THE ANIMAL MATTERS HEARING
17 BOARD UPHOLDING OR MODIFYING THE CITATION.
- 18 (E) *NOTIFICATION OF APPEALS.* THE ANIMAL MATTERS HEARING BOARD
19 SHALL NOTIFY THE DIRECTOR OF FINANCE OF ALL PENDING APPEALS,
20 REQUESTING THAT THE DIRECTOR POSTPONE THE COLLECTION OF THE
21 FINE UNTIL THE BOARD HAS MADE A DECISION. THE BOARD SHALL
22 NOTIFY THE DIRECTOR OF FINANCE OF THE OUTCOME OF ALL
23 APPEALS.
- 24 (F) *PENALTY NOT PAID.* IF A FINE IS NOT COLLECTED BY THE DIRECTOR OF
25 FINANCE WITHIN ~~45~~ 30 DAYS OF ISSUANCE OF A CIVIL CITATION OR
26 WITHIN 30 DAYS OF THE BOARD'S UPHOLDING THE CIVIL CITATION,
27 THE OFFICE OF LAW MAY INSTITUTE CIVIL PROCEEDINGS TO COLLECT
28 THE FINE. THE AMOUNT OF THE FINE SHALL INCREASE BY HALF THE
29 AMOUNT OF THE ORIGINAL FINE FOR EACH 30 DAYS OR PORTION
30 THEREOF IT REMAINS UNPAID.

- 1 (G) *FINES FOR VIOLATIONS OF CERTAIN SECTIONS.* THE AMOUNT OF THE
2 CIVIL PENALTY FOR A VIOLATION OF THIS SUBTITLE IS:

CODE SECTION VIOLATED	AMOUNT OF FINE
17.301 AND 17.306	FIRST OFFENSE: \$25 SECOND OFFENSE IN 24 MONTH PERIOD: \$50 THIRD OFFENSE IN 24 MONTH PERIOD: \$100 SUBSEQUENT OFFENSES: \$250
17.302	FIRST OFFENSE: \$50 SECOND OFFENSE IN 24 MONTH PERIOD: \$100 THIRD OFFENSE IN 24 MONTH PERIOD: \$200 SUBSEQUENT OFFENSES: \$200
17.303	\$250 TO \$500; BOARD MAY WAIVE FINE IF OWNER AGREES TO DESTRUCTION OF ANIMAL
17.304 AND 17.305	FIRST OFFENSE: \$100 SECOND OFFENSE IN 24 MONTH PERIOD: \$150 THIRD OFFENSE IN 24 MONTH PERIOD: \$300 SUBSEQUENT OFFENSES: \$500
17.311(D)(2)	\$100

3

4 **SECTION 17.319. CRIMINAL PENALTIES FOR VIOLATIONS.**

- 5 (A) THE ANIMAL CONTROL ADMINISTRATOR, A HOWARD COUNTY POLICE
6 OFFICER, OR A CITIZEN MAY APPLY TO THE DISTRICT COURT FOR THE
7 ISSUANCE OF A CRIMINAL SUMMONS FOR A VIOLATION OF THIS
8 SUBTITLE.

- 9 (B) A PERSON WHO VIOLATES THIS SUBTITLE IS GUILTY OF A
10 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO THE FOLLOWING
11 FINES:

CODE SECTION VIOLATED	AMOUNT OF FINE
17.301 FAILURE TO VACCINATE FOR RABIES. FAILURE TO LICENSE OR RENEW LICENSE. FAILURE TO WEAR LICENSE TAG.	UP TO \$500 \$25 \$25
17.302	FIRST OFFENSE: \$50 SECOND OFFENSE: \$100 THIRD OFFENSE: \$200 SUBSEQUENT OFFENSES: \$200 AND 30 DAYS' IMPRISONMENT, OR BOTH
17.303	UP TO \$500 AND 90 DAYS' IMPRISONMENT, OR BOTH
17.304	FIRST OFFENSE: \$100 SECOND OFFENSE: \$300 THIRD OFFENSE: \$500 SUBSEQUENT OFFENSES: \$1,000 AND 60 DAYS' IMPRISONMENT, OR BOTH
17.305 CRUELTY OR NEGLECT.	UP TO \$1,000

POISONING DOMESTICATED ANIMAL. LEAVING GROUND GLASS WHERE ANIMAL CAN INGEST IT. CRUELLY KILLING OR INJURING ANIMAL. ABANDONING DOMESTICATED ANIMAL. DELIBERATELY KILLING OR INJURING ANIMAL WITH MOTOR VEHICLE. DELIBERATELY ENCOURAGING AN ANIMAL TO FIGHT ORGANIZING OR PARTICIPATING IN ANIMAL FIGHT. BREEDING OR RAISING ANIMALS FOR FIGHTING.	UP TO \$1,000 \$100 \$250 TO \$500 \$250 TO \$500 \$250 TO \$500 \$50 TO \$500 \$50 TO \$500 \$50 TO \$500
17.306 FAILURE TO PROVIDE ADEQUATE CARE FOR LIVESTOCK. VIOLATIONS REGARDING CARE OF DOMESTICATED BIRDS.	\$100 TO \$500 \$100 TO \$500
17.307 KEEPING WILD OR EXOTIC ANIMALS. SETTING PROHIBITED TRAPS. FAILURE TO STOP AFTER KILLING OR INJURING DOMESTICATED ANIMAL WITH VEHICLE. SALE OR BARTER OF ANIMALS AS TOYS OR NOVELTIES. ANIMALS INVOLVED IN GAMES OF CHANCE. DYEING ANIMALS.	\$250 TO \$500 \$100 TO \$500 \$50 \$25 PER ANIMAL \$200 \$100 PER ANIMAL
17.315 INTERFERING WITH OFFICER BY PROVIDING FALSE INFORMATION OR REFUSING TO PROVIDE REQUESTED INFORMATION. UNLAWFUL CONCEALMENT OF ANIMAL.	\$100 TO \$150 \$100
17.316	\$25
17.317	\$100

1

2 **SECTION 17.320. ANIMAL MATTERS HEARING BOARD.**

3 (A) *MEMBERSHIP.*

4 (1) *GENERAL PROVISIONS.* GENERAL PROVISIONS APPLICABLE TO
5 THE BOARD ARE SET FORTH IN SUBTITLE 3, "BOARDS AND
6 COMMISSIONS" OF TITLE 6, "COUNTY EXECUTIVE AND THE
7 EXECUTIVE BRANCH," OF THE HOWARD COUNTY CODE.

8 (2) *NUMBER OF MEMBERS.* THERE IS AN ANIMAL MATTERS HEARING
9 BOARD CONSISTING OF 7 MEMBERS.

10 (3) *QUALIFICATIONS.*

- 1 (I) ALL MEMBERS OF THE BOARD SHALL BE RESIDENTS OF
2 HOWARD COUNTY.
- 3 (II) ONE OF THE MEMBERS SHALL BE A VETERINARIAN
4 LICENSED TO PRACTICE IN HOWARD COUNTY.
- 5 (III) THREE OF THE REMAINING MEMBERS SHALL HAVE SOME
6 EXPERIENCE IN ANIMAL MATTERS.
- 7 (IV) NOT MORE THAN 2 MEMBERS SHALL BE RESIDENTS OF THE
8 SAME COUNCIL DISTRICT.
- 9 (4) *EXECUTIVE SECRETARY*. THE ANIMAL CONTROL ADMINISTRATOR
10 OR THE ADMINISTRATOR'S DESIGNEE SHALL SERVE AS
11 EXECUTIVE SECRETARY TO THE BOARD AND SHALL ATTEND
12 ALL MEETINGS OF THE BOARD.
- 13 (5) *MEETINGS*. THE BOARD SHALL MEET AT LEAST ONCE EACH
14 MONTH AND, IF NECESSARY TO FULFILL ITS DUTIES AND
15 RESPONSIBILITIES, MORE FREQUENTLY AT THE CALL OF THE
16 CHAIRPERSON.
- 17 (B) *DUTIES AND RESPONSIBILITIES*. THE BOARD SHALL:
- 18 (1) SUBMIT AN ANNUAL REPORT TO THE CHIEF OF POLICE, THE
19 COUNTY EXECUTIVE, AND THE COUNTY COUNCIL CONCERNING
20 ITS RESPONSIBILITIES, INCLUDING RECOMMENDATIONS
21 PERTAINING TO LEGISLATION, REGULATIONS, AND FISCAL
22 PLANNING;
- 23 (2) RECOMMEND STANDARDS FOR THE OPERATION AND
24 MAINTENANCE OF COUNTY ANIMAL CONTROL FACILITIES;
- 25 (3) RECOMMEND STANDARDS AND PROCEDURES FOR THE
26 CONTROL, COLLECTION, CUSTODY, AND DISPOSAL OF ANIMALS;
- 27 (4) REVIEW THE ANNUAL BUDGET FOR THE OPERATION OF THE
28 ANIMAL CONTROL FACILITY AND MAKE RECOMMENDATIONS TO
29 THE CHIEF OF POLICE;

- 1 (5) ADVISE THE CHIEF OF POLICE, THE COUNTY EXECUTIVE, AND
- 2 THE COUNTY COUNCIL ON ANIMAL CONTROL REGULATIONS
- 3 AND LEGISLATION;
- 4 (6) HOLD HEARINGS UNDER THIS SUBTITLE;
- 5 (7) REVIEW AND AFFIRM, REVERSE, OR MODIFY ACTIONS AND
- 6 DECISIONS OF THE ANIMAL CONTROL ADMINISTRATOR
- 7 PURSUANT TO THIS SUBTITLE;
- 8 (8) ISSUE WRITTEN DECISIONS AND ORDERS; AND
- 9 (9) CARRY OUT ANY OTHER DUTIES MANDATED BY LAW.

10 (C) *NOTICE OF BOARD HEARINGS.*

- 11 (1) WHEN THE BOARD SCHEDULES A HEARING, IT SHALL GIVE AT
- 12 LEAST 14 DAYS' WRITTEN NOTICE OF THE DATE, TIME,
- 13 LOCATION, AND SUBJECT OF THE HEARING TO:

- 14 (I) THE OWNER OF THE ANIMAL; AND

- 15 (II) ANY PERSON WHO FILED A SWORN STATEMENT
- 16 REGARDING THE ANIMAL.

- 17 (2) THE NOTICE SHALL INCLUDE A COPY OF ANY CITATION ISSUED
- 18 AND SWORN STATEMENT FILED IN CONNECTION WITH THE
- 19 SUBJECT OF THE HEARING.

- 20 (3) THE BOARD SHALL NOTIFY A PERSON OF A BOARD HEARING BY
- 21 MAILING A NOTICE TO THE PERSON'S USUAL OR LAST-KNOWN
- 22 ADDRESS, EXCEPT THAT IT SHALL NOTIFY A PERSON CHARGED
- 23 WITH A VIOLATION OF THIS SUBTITLE BY:

- 24 (I) DELIVERING THE NOTICE DIRECTLY TO THE PERSON;

- 25 (II) MAILING THE NOTICE FIRST-CLASS MAIL, RETURN RECEIPT
- 26 REQUESTED; OR

- 27 (III) POSTING THE NOTIFICATION AT THE PERSON'S USUAL OR
- 28 LAST-KNOWN ADDRESS.

29

30 **SECTION 17.321. APPEALS.**

- 1 (A) *APPEAL TO BOARD.* A PERSON MAY APPEAL TO THE BOARD ANY OF THE
2 FOLLOWING ACTIONS OF THE ADMINISTRATOR WITHIN 7 DAYS AFTER
3 THE ADMINISTRATOR'S ACTION:
- 4 (1) A DECLARATION THAT THE PERSON'S ANIMAL, RESIDENCE, OR
5 FACILITY IS A NUISANCE;
 - 6 (2) A DECLARATION THAT THE PERSON'S ANIMAL IS DANGEROUS
7 OR POTENTIALLY DANGEROUS;
 - 8 (3) A DECLARATION THAT THE PERSON'S ANIMAL IS A THREAT TO
9 PUBLIC SAFETY;
 - 10 (4) AN ORDER REQUIRING THE INSTITUTION OF CONTROL AND
11 CONFINEMENT MEASURES FOR THE PERSON'S ANIMAL, BUT
12 ONLY IF THE ANIMAL HAS BEEN IMPOUNDED IN CONNECTION
13 WITH THE ORDER;
 - 14 (5) IMPOUNDMENT OF THE PERSON'S ANIMAL;
 - 15 (6) PERMANENT IMPOUNDMENT OF THE PERSON'S ANIMAL; AND

- 1 (7) A DECLARATION THAT THE PERSON IS NOT ELIGIBLE TO ADOPT
2 AN ANIMAL.
- 3 (B) A PERSON WHO RECEIVES A CIVIL CITATION UNDER THIS SUBTITLE
4 MAY APPEAL THE CITATION TO THE BOARD IN ACCORDANCE WITH
5 SECTION 17.318 OF THIS SUBTITLE.
- 6 (C) *BOARD ACTION.* WHEN AN ACTION OF THE ADMINISTRATOR IS
7 APPEALED TO THE BOARD, THE BOARD MAY AFFIRM, REVERSE, OR
8 MODIFY THE DECISION, AND MAY ORDER ANY ENFORCEMENT ACTION
9 THAT THE ADMINISTRATOR IS AUTHORIZED TO TAKE BY THIS
10 SUBTITLE.
- 11 (D) *NOTICE.* WHEN A HEARING IS SCHEDULED UNDER THIS SECTION, THE
12 BOARD SHALL GIVE NOTICE OF THE HEARING IN ACCORDANCE WITH
13 SECTION 17.320(C) OF THIS SUBTITLE.
- 14 (E) *HEARING.* THE HEARING SHALL BE CONDUCTED IN ACCORDANCE WITH
15 TITLE 2 (THE HOWARD COUNTY ADMINISTRATIVE PROCEDURE ACT) OF
16 THIS CODE.
- 17 (F) *APPEAL OF BOARD DECISION.* ANY PERSON, INCLUDING THE ANIMAL
18 CONTROL ADMINISTRATOR, WHO IS AGGRIEVED BY A DECISION AND
19 ORDER OF THE BOARD MAY, WITHIN 30 DAYS THEREOF, APPEAL THE
20 DECISION TO THE BOARD OF APPEALS. THE APPEAL SHALL BE ON THE
21 RECORD.
- 22 (G) *ENFORCEMENT OF BOARD DECISION.* IF A PERSON FAILS TO COMPLY
23 WITH A DECISION OF THE BOARD WITHIN THE TIME SPECIFIED BY THE
24 DECISION, THE ADMINISTRATOR MAY PETITION THE COURT FOR
25 INJUNCTIVE RELIEF OR OTHERWISE INSTITUTE LEGAL ACTION TO
26 ENFORCE THE BOARD'S DECISION.

27
28 ***Section 3. And Be It Further Enacted*** by the County Council of Howard County, Maryland,
29 *that this Act shall become effective 61 days after its enactment.*